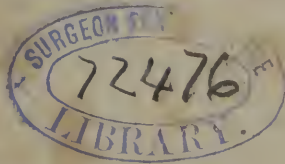


Hosack [5]

AN
INTRODUCTORY DISCOURSE
DELIVERED AT THE
COMMENCEMENT OF THE COURSE OF LECTURES
TO THE
RUTGERS MEDICAL FACULTY
OF
GENEVA COLLEGE.

ON MONDAY, THE 14TH DAY OF NOVEMBER, 1827.



Bot 327
David Hosack

AT a meeting of the Students of Rutgers Medical College, held in the Hall on the morning of November 14, 1827, Mr. GUNNING S. BEDFORD was called to the Chair, and Mr. ALEXANDER ROBERTSON appointed Secretary:

It was, on motion, *unanimously resolved*, that a committee be appointed to wait on Professor HOSACK, and solicit a copy of his able and eloquent Discourse for publication.

Resolved, that B. R. TINSLAR, J. H. BORROWE, and A. A. ADEE. compose that committee.

GUNNING S. BEDFORD, CHAIRMAN.
ALEXANDER ROBERTSON, SEC'RY.

TO DAVID HOSACK, M. D.
President of the Rutgers Medical Faculty of Geneva College.

SIR,

As a Committee of the Students of Rutgers Medical College, we have the honour of acquainting you with their unanimous resolve that a copy of your Introductory Address, delivered on Monday, 5th instant, be requested for publication.

The sentiments of satisfaction evinced by the numerous and highly respectable audience present, and the gratification we ourselves experienced, have induced us to be thus solicitous for your compliance with our request.

With the highest considerations of respect,

We have the honour to remain,

Your obedient and humble servants,

AUGUSTUS A. ADEE, M. D.

B. R. TINSLAR.

J. HALLETT BORROWE.

Nov. 16th, 1827.

NEW-YORK, Nov. 17th, 1827.

GENTLEMEN,

It would be affectation on my part to withhold the expression of the gratification I feel at the request preferred in your favour of the 16th instant; for I am thereby convinced, that, although the subject of the Discourse, a copy of which you ask for publication, is a continuance of the history of the progress of this Institution, and of the opposition it has received, your opinions and feelings are in accordance with mine, that the establishment of two Medical Colleges in this rapidly increasing city, is not only called for, but by awakening an honourable spirit of competition between their several professors, will become alike favourable to the interests of both schools, to the improvement of the students resorting to this city for their professional education, and to the diffusion of medical literature throughout our state and country. On these accounts it is also earnestly to be desired, that both institutions may be permitted to proceed upon their own merits, and alike receive the protection of an enlightened government. In complying with your request, I beg you, gentlemen, to accept, in behalf of the class whom you represent, as well as for yourselves,

My respectful regards,

DAVID HOSACK.

TO AUGUSTUS A. ADEE, M. D.

B. R. TINSLAR, and

J. HALLETT BORROWE,

Committee of the Students of Rutgers Medical College.

INTRODUCTORY DISCOURSE.

FELLOW-CITIZENS AND STUDENTS OF MEDICINE,

IN the 185th chapter of the volume of the Laws of the State of New-York, passed during the last session of the honourable the legislature, you will find these words :

“Be it enacted by the people of the state of New-York represented in Senate and Assembly, That all diplomas, granted by authorities out of this state to individuals who have pursued their studies in any medical school in this state, shall be void and of no effect, as it regards authorizing the said individuals to practise physic and surgery in this state.”

As the legislature of the state of New-York has seen fit, in its wisdom, to pass the law just read—a law exclusively and avowedly hostile to, and intended to counteract, the views and interests of the medical faculty of Rutgers College, and thereby to create an impression upon the public mind unfavourable to its character, and destructive of its rising prospects—I feel it my duty at this time, for the information of our fellow-citizens and the medical profession, to exhibit a detail of some of the more prominent facts and circumstances which have led to the passage of this memorable law, and

to point out the present condition and prospects of this institution.

It certainly was not an event to be looked for, that the professors of this College,—after expending a sum exceeding twenty-five thousand dollars in the erection of this building, dedicated to the benefit of the profession, and in providing the materials necessary to complete the system of instruction that had been contemplated, and that, too, without calling upon the treasury of the state or our fellow-citizens for the smallest aid,—would have been opposed in their proceedings by the very gentlemen whom the Regents have selected as their successors; or that, through their instrumentality, the Medical County Society, or rather, as will appear, a small packed minority of them, could have been induced to become partners in this work of proscription.

You will be still further surprised, that the members of the State Medical Society, who were contemplated, in the original organization of that society, (as he who now addresses you well knows, having himself had no inconsiderable share in its formation,) to be the patrons of, not the opponents to, the progress of medical literature, should have lent its aid in destroying, instead of protecting, an institution, certainly intended to elevate the profession, of which they were presumed to be among the most distinguished members.

But what will be your surprise to be told, that, through the indefatigable and combined efforts I

have enumerated, the Regents of the University should have found a majority of that board favourable to their unhallowed views! And, moreover, that the legislature of the state, making due allowance for all the frailties, weaknesses, private interests, prejudices, and even the follies of human nature, could have been prevailed upon to pass an act so directly destructive in its consequences, so injurious to the reputation of the state and to the literary character of our country, is certainly passing comprehension. Yet such are the facts now to be presented for your consideration; and in expressing any sentiments or feelings, which may arise in the progress of this Discourse, I beg it may be understood, they are those of the individual who now addresses you, and for which he alone is to be considered as responsible.

To pass over, in silence, the occurrences of the last year relating to this college, and the measures which, through the intrigues and machinations of its enemies, have been adopted, and the baneful effects they are calculated to produce upon the character and interests of the profession, and the reputation of the state, would be a dereliction of duty, and an ignoble surrender of those rights, which, as the citizens of a free government, as the members of a republic possessing the blessings of independence, we are permitted to enjoy.

In a former discourse, delivered at the opening of Rutgers College in November last, it will be recollected, that, after taking a general survey of

the progress of medical education in the United States, and having given a sketch of the medical schools of the state of New-York, from the first establishment of Kings (now Columbia) College in 1768, to the institution of the College of Physicians and Surgeons in 1807, I proceeded to point out the defects contained in the charter of that college ; the changes and modifications which, from time to time, it had undergone ; the feuds and dissensions to which they gave rise, and the irremediable condition of that institution, under the controlling and conflicting powers exercised by the Regents of the University, on the one hand ; and by a separate board of trustees, appointed at the pleasure of the regents, on the other. I pointed out, as I think, with sufficient minuteness, this anomaly of government, when I stated that the former power not only exercised an immediate and direct control over the fiscal concerns of the professors. viz. in prescribing the amount of the fees to be received for instruction, and again, at their pleasure, levying taxes upon them ; but also, in delegating to a subordinate board of trustees still further powers of controlling the privileges of the professors in the performance of their duties, in teaching, in examining, and in deciding upon the qualifications of the candidates for the honours of the college.

I then proceeded to notice those circumstances which induced the professors to resist the exactions imposed by the regents, and ultimately to withdraw from the bondage to which they were about to be

subjected, and to abandon a connexion thus fettered by conditions, which rendered it impossible for us to do justice to ourselves, or to others, in those relations which we had so long and so honourably sustained.

Thus situated, and supported by the fact that the board of regents had approved of our conduct during the whole controversy that had existed between the trustees and the professors,* having received the unanimous approbation of that body for our services to the college, as well as the success with which our professorial duties had been performed, and in the full confidence that we should never experience from them opposition to the measures we were now about to adopt, but continue to receive their protection, we, at once, resolved to unite and renew our labours as teachers of medicine; and for this purpose, if practicable, to connect ourselves as a medical faculty, with some respectable college, either in this or a neighbouring state. For until the late memorable act of the legislature of the state of New-York, I believe, it was never deemed expedient that medical science should be measured by degrees of latitude or longitude; or that literature, like the waters of the Hudson wash-

* See the reports of Col. Troup, and the report of the committee of the board of regents, composed of the hon. Lieutenant Governor Talmadge, Mr. Murray, and Mr. Van Rensselaer, a document of deep interest and much ability; also, the annual reports of the regents to the legislature, and Governor Clinton's messages.

ing the shores of New-Jersey, was to be confined by territorial boundaries.*

As Columbia College formerly had a medical faculty, it at once occurred to us, that, under existing circumstances, a connexion with that venerable institution might prove a mutual benefit. With this view, a conference was held with some of the most intelligent and influential members of the board of trustees of that incorporation, relative to a union with that institution as their medical faculty. This proposition immediately received the countenance of those gentlemen with whom we conferred; and, among others, was honoured by the approbation of the learned and dignified prelate who presides over the episcopacy of the state.

It was justly thought, that the establishment of a second medical school in the city of New-York, by creating a competition with the College of Physicians and Surgeons and other medical institutions of this state, would contribute to the promotion of medical learning, offer additional advantages to the pupils of medicine, and elevate the character of the city, by presenting more ample means of practical instruction in medicine and surgery than had hitherto been enjoyed in this rapidly increasing metropolis, and be calculated to reflect credit upon

* At this time the long agitated question, relative to the boundaries of the state of New-York and New-Jersey on the shores of the Hudson, had been renewed with much rancour in our state legislature, and had produced no little hostility to New-Jersey.

Columbia College; and through the medium of the numerous medical pupils, collected from all parts of the union, to make more extensively known the character of that college and the high advantages it enjoys as a school of arts;—for it must be admitted by all who give attention to the progress of literature in the United States, that Columbia College does not hold that rank, in comparison with her sister institutions, nor enjoy that celebrity which the learning and abilities of her professors would lead us to expect, and which we trust, ere long, she is destined to attain. The advantages, therefore, of uniting to herself, as a medical faculty, a body of professors well known throughout the state and nation, and possessed of character sufficient to reflect some share of credit upon their associate institution, were obvious.

Many, too, of its enlightened friends deemed this an auspicious moment for increasing the pecuniary interests of the college, as well as extending its reputation; for its funds would have been immediately benefited by a sum equal to the interest of ten thousand dollars, which that union would have secured—equal to the amount which the trustees of Columbia College had often, but unavailingly, solicited from the legislature. But the advantages of this proposal made to Columbia College, great as they were, could not overcome the hostility and jealousy of our enemies. It certainly was not to be expected, that in this application we were to be opposed by any of the gentlemen whom the regents

had appointed as our successors in the College of Physicians and Surgeons, and who were denominated, even by the regents themselves, "untried professors:" nevertheless, in certain publications, these newly created teachers were stated to possess merits and talents far superior to their predecessors; and by the late president of the State Medical Society it was affirmed, that they would not consider it flattering to their pride to be compared with the ex-professors of the College of Physicians and Surgeons.

Had these "untried professors," and their partial adherents, felt that confidence in their boasted powers, they surely would not have shrunk from a competition with men of such inferior worth as the old professors were represented to be, and who, in their opinion, had forfeited all claims, as well to the regard and support of the profession, as of the countenance of the youth about to engage in the study of medicine. On the contrary, it would have been their interest to have courted such competition, by which they were to be so manifestly the gainers;—not so—on the contrary, like "Imlac in Rasselas, they affected to deny with their tongues what they confessed by their fears." Our rivals having obtained the places they so long and so assiduously had sought—dignified with the rank of professors, and filling the seats we had vacated—the most pleasing results were anticipated: on the one hand, the "new lights" of science were to shed their radiance on the future members of the pro-

fession, with a lustre pure and as brilliant as the legitimacy of the fount from which they had derived their aliment; on the other hand, the former professors indulged the hope, that they should be enabled to continue their labours as teachers, under a different organization, unincumbered with a complexity of regulations, and more in conformity to the genius of institutions most celebrated for their success in the promulgation of knowledge. Matters, however, were not permitted to rest in this condition. It was forgotten that it was equally lawful for one set of men to associate and pursue the business of instruction as another. Pretensions equally absurd and exclusive were advanced, asseverations the most unjustifiable were made, and a delusion created in the minds of many, which it may be doubtful whether to consider more with the feelings of commiseration or of contempt.

During these pending negotiations, dispassionate inquiry seems to have been wholly laid aside, and the suggestions of disappointed revenge supplied the place of good sense and fair argumentation.

Remonstrance was unavailing; conciliatory language, however sound and sincere, proved nugatory, and reason was no more heard than a whisper in a whirlwind. On the part of our opponents, no measure was omitted, no stratagem was left untried to defeat the application that had been made to Columbia College. I forbear from noticing, in detail, the unwearied exertions, the base intrigues, and the unqualified misrepresentations, which were

resorted to by certain persons in order to disappoint and counteract our views and interests. "Tu Brute," might also, upon this occasion, be applied to some individuals, from whom were justly claimed and expected a friendly and independent support—but I refrain. Suffice it to remark, our opponents were successful in resisting the alliance that was contemplated, and that the board of trustees, when convened to decide upon the connexion that had been proposed, were prevailed upon to decline the union that had been tendered! It now remains for those whose enmity to the late professors of the College of Physicians and Surgeons, so far exceeded their regard for the interest and reputation of Columbia College, to make good to the latter institution the pecuniary loss they have thereby caused it to incur. I am not so unreasonable as to expect from them any other kind of restitution. Those persons gratified their malice for the moment, and believed that they had triumphed definitively, which only showed how little they understood the persevering character and tenacity of purpose of the old professors.

Notwithstanding their unceasing hostility, we have succeeded to our utmost wishes. Frustrated in our application to the trustees of Columbia College, we lost no time in seeking a connexion with another respectable chartered institution. Our attention was forthwith directed to Rutgers College in the state of New-Jersey; an establishment in which, for a long series of years, theological and

classical studies had been cultivated with advantage and success.

I was of the committee who had the honour to submit to the venerable president, the faculty and trustees of Rutgers College, the several propositions we had determined upon as the grounds of our confederation. After a prompt and full deliberation, we were unanimously received, with all that kindness and liberality which a regard for the interest of learning and the benefit of the community, uninfluenced by local or state prejudices, is calculated to inspire. It is incorrectly stated, that other applications had been made to other colleges to obtain the privileges and protection we received from Rutgers College.

In my last address I cursorily noticed the alliance subsequently formed with that respectable institution, and offered a prospective view of the benefits we anticipated from that connexion, and the friendly and liberal protection it afforded us. This connexion with Rutgers College was consummated on the 16th of October, 1826; consequently it was not promulgated until within a few days of the commencement of the session which took place on the first Monday of the ensuing November. In the mean time, many of our former pupils, from various parts of the United States, and who had intended to have finished the studies they had begun in New-York, not knowing the union we had formed, and fearing they might otherwise be disappointed

in obtaining their medical honours, had gone to Philadelphia.

Yet, in that very season, notwithstanding the loss we thus sustained by the change in the destination of many of our former pupils, and the short notice that had been published of the arrangement that had been thus recently effected, we had the gratification to deliver our lectures to much larger classes than could have been expected under the embarrassments and opposition we had experienced from our rival successors.

But the angry agitation of the waters had not yet subsided. Although our connexion with Rutgers College struck terror and dismay into the ranks of our opponents, still the reckless genius of mischief was not yet exhausted of her resources.

By the collegiate alliance we had formed, we were created the medical faculty of that institution, and duly received our commissions as professors. We had, moreover, the usual powers of examining, and recommending candidates for the doctorate; and the degree of M.D. granted by the board of trustees of Rutgers College, was universally considered sufficient to invest its possessor with the fullest powers of practising physic and surgery. Scarcely had intelligence of this state of things become known, than the malcontents again rallied their forces. Public notice was given, that a meeting of the physicians and surgeons of the city and county of New-York would be held at the hall of the College of Physicians and Surgeons, in order to procure

an expression of opinion in relation to the powers of Rutgers Medical College.

The subject being one of great and general interest to the medical faculty at large, as well as to our citizens, a very numerous and respectable meeting of the physicians and surgeons was held at the time and place appointed, the evening of November 7th.

The objects of the convention were fully explained by the then president of the State Medical Society, at whose especial instigation it appeared this meeting had been summoned, and, for the better understanding of those present, the several laws of the state, regulating the practice of physic and surgery, were read and examined by a member* of the Medical Society of the County of New-York. After further discussion, involving the relationship of Rutgers Medical College and the laws of New-York, the sense of the meeting was taken, when it was resolved, almost unanimously, to decline all further consideration of the subject proposed, and to adjourn: the only persons manifesting a non-concurrence with the general vote were, the individual who had called the meeting and one other.—An adjourned meeting of the County Medical Society was afterwards held on the 22d day of January, 1827, to hear the report of the committee that had been previously appointed to prepare instructions

* James M. Pendleton, M. D.

for the delegate to the State Medical Society at Albany. There were twenty-seven members present. At this meeting the various sections of the report were considered and passed. After the report was concluded, the president of the State Medical Society (who, under any other circumstances than those accidentally derived from his official station, would not have demanded or have received from me this notice,) moved that the following resolution be added to the instructions to the delegate: "*Resolved*, as the sense of this meeting, that it is expedient to have a law immediately passed, providing, that no diploma to practise physic and surgery shall be a license to practise the same in this state, unless approved by the medical society of this state; and that no diploma shall be a license to practise in this state, unless such diploma is also a license in the state from which it emanates."

The design of the mover was, if possible, to destroy the effects of the diploma of Rutgers College, and could not be misunderstood.

Considerable discussion took place on this resolution—a large majority opposing it. Finally, to put an end to the business, an adjournment was moved and carried.

At a meeting of the same society, held February 12th—present nineteen members—the preceding resolution, which had virtually been rejected, was again brought forward, on the pretence that it had been merely laid over at the former meeting. The

resolution was now passed, and the secretary directed to send a copy of the same to the comitia minora of the State Medical Society in Albany and to the regents !!

To prove, incontrovertibly, that the adjournment of the first meeting was actually a rejection of the resolution, it is only necessary to state, that it was brought forward as one article of instruction to the delegate, who, it was known, would proceed in a few days to Albany; and, consequently, to adjourn without passing it, was equivalent to rejecting it: and further, the meeting of the 12th February, at which the resolution was passed, was held after the delegate had actually returned from Albany, as at that very meeting he made his report to the society!! But to stamp these irregular proceedings with still stronger marks of dishonour and selfishness, let it be recorded, and let it be remembered, that the small meeting, at which this partial resolution was adopted, was countenanced by four, being a majority of the professors of the Barclay-street College, and sanctioned by their vote!!

“ Here, then, (as has been justly said,) nineteen persons, who, without giving notice of the business they intended to transact, meet, apparently prepared (or packed) to vote in favour of measures which had been already rejected in a fuller meeting, and which, it is fair to infer, would have been again rejected by the candid and disinterested members of the profession, had they been apprised of this intended agitation of the question. Pro-

fessors and trustees of a rival institution uniting, if possible, to hunt down, by clamour and the procuring of injurious legislative enactments, men who have never opposed to them any thing, except the exercise of laudable industry in the discharge of duties connected with a work of great public utility."

Let us for the present leave the medical disputations of our own city, and take a glance at the proceedings of the opposition assembled at Albany, the field of their labours. Many of the facts which I state, are already sufficiently notorious, and I am confirmed in others, by the written communication of a respectable medical friend, whose official station rendered him an actor and witness in many of these transactions.

It will have been already understood, that the delegate of the Medical Society of the County of New-York was about to proceed to Albany, to attend the annual session of the State Medical Society. The various conflicting views which had disturbed the medical faculty so long, and more especially those which had agitated it during the past year, could not but become, more or less, matters of discussion with the public at large. But what is to be inferred when we are informed, by the delegate himself, that, upon his arrival at Albany, he found the utmost degree of hostility existing against the professors of the Rutgers School!—and that the members of the legislature with whom he conversed knew, most intimately, the particular intentions and

views of the State Medical Society!—"that the minds of the legislature were prepossessed, even before the object of the designing few came before the society itself!! Such are the Machiavelian arts of our adversaries.

The delegate had several important enactments for the relief of the medical profession, to ask of the legislature, now in session, through the medium of the State Medical Society. But I shall avail myself of his own statement in the communication with which he has favoured me. The message of the president of the State Medical Society having been read, the delegate observes, "it was, as a matter of course, referred to a committee, to report thereon. This report was received: it recommended a request of the Medical Society, in concurrence with the Regents of the University, to be preferred to the legislature. I opposed the measure, because I deemed it sinister, to aim at a particular school; that it evinced individual and marked hostility, and that it did by no means fairly represent the wishes or interests of the medical profession. But all doubt soon vanished. The avowed object was immediately declared by a regent of the University, who attended in person, to be, *the annihilation of Rutgers Medical College!!* I modestly urged, (says the delegate,) that the professors of Rutgers College had never been my particular intimates or friends; and that they certainly sustained a high character for learning and talents in imparting instruction, which had, year

after year, been admitted, and repeatedly, in public documents, promulgated by the regents themselves; and that they had received the approbation and support of the community at large, as was fully evinced in the great school they had built up; that these reasons were sufficient to deter us from denouncing them. In attempting to get the resolution modified, and to obtain, at the same time, the exemption of the medical profession from militia and jury duty, with which I had been charged, I was repelled by Dr. Wendell, who, affecting to be the mouth-piece of the Regents, declared, that they had determined on a certain course, that they would unite with the Medical Society, but that nothing else, he did not care how important, should be connected with their prime intention, lest, perchance, it might lessen the prospect of obtaining the great object,—the dispossessing and disqualifying all and every adherent of professors who had so long been the just pride of New-York and of the Board of Regents themselves.”

Such, gentlemen, is a simple narrative, from a disinterested eye-witness now in my hearing. It is painful to observe the humiliation to which our profession was thus reduced in the person of ***** , who, in the duplex capacity of a member of the State Medical Society and of the honourable the Board of Regents, lays claim to the honour, not of having engendered, but of having been, at least, the accoucheur to a monster of legislation.

and to which nothing but the fabled creation of Virgil can approximate :

“ *Monstrum horrendum informe, ingens, cui lumen ademptum.*”

But it was not to be expected, that the great body of practising physicians and surgeons in the city of New-York, who had already, at a general meeting of the faculty held in November, expressed their full determination to join in no measures adverse to the Rutgers Medical School, would remain passive spectators of the recent proceedings of the County Medical Society, and of the equally hostile measures recommended to the legislature by the confederate forces of the regents, by their organ Dr. Wendell, and the State Medical Society.

Of the great mass of physicians and surgeons of this city, engaged in the active duties of their profession, many had been instructed by the Rutgers professors in the principles of their art, and were reaping the fruits of their well-directed studies in the countenance and ample patronage of the public. Others were in habits of intimate acquaintance and consultation with them, and appreciated their private and professional merit ; and all who were disinterested had witnessed with laudable pride and satisfaction, the career of an institution, erected by those professors, which, from the humblest beginnings, had arisen to a successful competition with the first establishments of a similar nature in the American confederacy. Accordingly, a convention of the physicians and surgeons at large. of

this city, was called, through the medium of the public gazettes, for the purpose of removing all doubt as to the sense of the medical profession in relation to the claims and character of Rutgers Medical College. The meeting was held on the evening of the 23d of February,* at Washington Hall. It may be declared, that a larger and more respectable representation of the members of the healing art had never been assembled in this city. At this large meeting Dr. Stearns officiated as president.

A protest, or remonstrance, against the prayer of the petition of the State Medical Society, was drawn up and signed, the measures of the professors in instituting Rutgers College approved, and the proposed law, under the consideration of the legislature, pronounced as intended to secure a monopoly to certain individuals, and as including principles which would be productive of unceasing discord.

I may be permitted, without much trespass on your patience, to read an extract or two from this disinterested and impartial remonstrance: "We are convinced," states the memorial, "that medical science, like every other, is best promoted by emulation among its teachers, and freedom of choice among its pupils; and that any attempt to give legal preference to one set of teachers, and heap legal disqualifications on another, is contrary to the

* See Appendix.

free and equal principles of our constitution, no less than detrimental to the improvement of the human mind."

"It may be convenient," continues the remonstrance, "for those who are interested, to prevent competition, to put down rival institutions by force of law; but we should deem it more honourable for them to endeavour to effect their wishes by force of talent, learning, and industry;—in default of which, those who best serve the public ought to be left free to receive its encouragement." In the further language of this document—"If this attack be made by New-York, on the freedom of scientific enterprise, unless a more national spirit prevail in other states, we must expect retaliatory measures from every quarter, and an American citizen of New-York may find himself reduced to the condition of an alien in his native land. If we engage in the unprofitable contest of trying which shall do to the other the most injury, the whole state must suffer; the interests of the community will be sacrificed to the profit of a few individuals, who seek to embarrass an independent institution, that asks nothing of the world but the free exercise of its faculties, and such patronage as shall be bestowed without compulsion."

"It may not be amiss to remind your honourable body, that Rutgers Medical College has been established by its professors, solely at their individual expense; and that they ask for no money—no privilege—no patronage; but most respectfully re-

quest of your honourable body to allow them to exercise their talents and industry, without being oppressed by the passage of laws, designed by their enemies for no other purpose than their forcible destruction."

I forbear from any comments upon this general and powerful expression of the sentiments of the profession. Suffice it to add, that the remonstrance, subscribed by one hundred physicians, was duly forwarded to the honourable the Legislature.

It is not irrelative to the occasion here to observe, that upon the completion of the classes of the two Medical Colleges it was found that a most liberal patronage had been extended to the new institution, Rutgers College; although, as I have already remarked, scarcely more than two weeks public notice had been given of the official powers with which it was intrusted. Accordingly, in the annual report* of our College to the Hon. the Regents of the University we stated, "the commencement and progress of the school have been highly auspicious, as the accompanying catalogue of students will sufficiently demonstrate. The classes are composed of young men of great respectability, and to their exemplary deportment we can cheerfully bear testimony."

"It will afford us, at all times, a gratification to exhibit this institution to a committee of your body,

* See Appendix.

in conformity to the laws, or as individuals. As we cannot permit ourselves to doubt that the personal efforts and responsible advances caused by the erection of this College, as well as the sanction under which we act, will be considered, by enlightened citizens, as creditable to the free institutions of our country and the spirit of our government, we make this communication with frankness to your honourable body, desiring for our labours such an approval only as is due to unabated diligence and well directed efforts in the promotion of sound and useful science."

It appeared from the official sources of information, viz. the printed catalogues of the two schools, that the number of students matriculated at the College of Physicians and Surgeons in Barclay-street was 86;* and the number of those of the Rutgers Medical College as follows—medical students 142, students of the High School attending the chemical class 11, total 153. No other proof need be adduced of the success of the Rutgers professors than this fact.

But this very success, which attended our efforts, proved a source of still more vehement opposition. The disheartening fact, that with all the resources of our enemies, aided by the nominal and vaunted advantage of being a legitimate state establish-

* Not 90, as incorrectly stated in the Regents' Report to the Legislature.

ment—not forgetting the complimentary epistle, written and published by a venerable Regent, calculated to subserve their doubtful cause—their number of pupils amounted to scarcely more than half that of the new College; and even that inconsiderable number embracing amateurs and persons not engaged in the study of medicine, but occupied in other pursuits and other professions: this fact, I observe, vexed our adversaries almost to madness. “Help me Cassius or I sink,” was now their cry. The herculean arm of state power was now called upon with increased solicitude, in order to enable them to obtain that support which their own efforts could not procure; and to put down, by force of law, a set of men whose success was the reward of their unassisted labours, and whose emolument excited the cupidity of their rivals. I shall pass over the indirect means, the private agents delegated to Albany with the view to success in this mischievous project. To a member from Chataque, I believe, is due the high honour of having introduced the restrictive and partial bill into the House of Assembly. Under what particular head the bill was classified, I know not. It seems to have been denominated, a Bill relative to the degree of Doctor of Medicine conferred by Colleges without this State. According to the public report of the proceedings of the house, Mr. Foote explained its objects: “Though general in its provisions, he admitted, it was intended to have a special bearing upon the medical school in the city of New-York

connected with Rutgers College"! It was affirmed "that the new school in New-York, as a rival establishment, was injurious to the College of Physicians and Surgeons, and that the state was bound to afford protection to its own institutions."

Indeed the assertion had gone forth, that in this establishment we were governed by a spirit of opposition or hostility to our fellow-labourers in the same cause. This is most solemnly disavowed both by myself and my colleagues. On the contrary, our adversaries have our best wishes for their prosperity and success; and we hail the day that adds another course of instruction for the youth preparing themselves for the practice of medicine.

An argument was urged on the floor both of the Senate and Assembly, that in the year 1816 the then professors in the College of Physicians and Surgeons, in their memorial to the Legislature, had earnestly contended that one medical school in the city of New-York was sufficient to meet the demands of society; and that a second was at least superfluous, if not injurious. This was considered, by our enemies, as a most triumphant reply to those who contended for the protection of Rutgers College. The former at the same time urging, that what was expedient and right in 1816 must be expedient and right in 1827! By parity of reasoning, if this position were correct in 1827 the increased population, although more than double that of 1816, does not demand any increase in the number of physicians, and consequently no increase in the

number of medical schools to educate them!—or to apply the same logic so much admired by those members of the Senate and Assembly, who are so opposed to an increase of knowledge, it follows, that because one place of religious worship twenty years ago was deemed sufficient, that therefore no more can be necessary at this time! I ask, for what purpose has our Legislature trebled the number of public schools within some few years past? or, to ask a question more easily comprehended by certain minds, why have market places and steamboats been multiplied so largely? And is it not a fact, too well ascertained to require illustration, that the number of students must necessarily increase with the demands of society and the facilities of education afforded them?

Dr. Franklin, with his usual force and simplicity, has exemplified this truth in the well-known story of the pigeon-houses, in a letter addressed to his reverend friend Whitfield, which I beg leave to recommend to the perusal of those gentlemen of the Senate and Assembly who so facetiously endeavoured to expose what, to their understandings, appeared the inconsistency of the former professors of the College of Physicians and Surgeons.

Again, if the reasoning of our opponents were correct, and the means of education had remained thus limited, certainly the late increase in the number of skilful physicians recently established in Chatauque and other remote counties of the state, would probably not have taken place: in that event,

Doctor Foote and his associate medical friends, members of the committee, who so successfully united in the report of a bill to destroy this institution, would have probably remained at home attending to the business of their profession. But in that case the state would have been deprived of their important legislative services; yet, although probably not receiving from practice what they pocket as legislators, they would, at least, have enjoyed the consolation that they had been saving the lives of their patients, who doubtless, in their absence, must have sorely lamented the loss of that professional erudition and skill for which they are so much distinguished.

After such conclusive arguments, the bill was to no purpose opposed by Dr. Barstow, Mr. Tracy, and other gentlemen. In the course of legislative discussion, the bill reported was pronounced, by the intrepid Mr. Viele of the Senate, to be exclusive, injurious, and monopolising, and should be entitled a bill for the encouragement of ignorance, rather than of talent and professional eminence.

Mr. Peter R. Livingston, Mr. Crary, Mr. Carroll, Mr. Birdseye, and others, addressed the house in behalf of the bill! In fine, Mr. Foote's bill passed by the majority of both houses! The signature of the Executive confirmed it as a law.

We may now fancy the rejoicings of our opponents upon the passage of this law; we may now imagine the heartfelt greetings of certain members of the State Medical Society; and of the nineteen

members of the Medical Society of the County of New-York, that composed the memorable meeting of the 12th of February. Their exultations are not reduced to written records—there is, consequently, some little room left for the indulgence of the imagination.

But of the opinion of the Hon. the Regents on the subject, and of the estimation in which they held this supposed conquest, we are not in the dark, but possess precise information, furnished by themselves; for, in their last annual report to the Legislature, published immediately after the enactment of the law, they have kindly expressed their prognostics! Remarking on the high destiny that awaits the College of Physicians and Surgeons, they add, in a tone of confidence and triumph: “To such a result it cannot be considered as presumptuous to look with confidence, especially since the act lately passed by the Legislature, relative to the degree of doctor of medicine conferred by Colleges without this state, has removed the last remaining obstacle to its march to that eminence to which the state of New-York, in consideration of her preeminent rank among the other states, ought to elevate her public institutions.”

Contrast with these sentiments and this language the liberal views, and the mild accents in which they are expressed, contained in the following extracts from the Discourse pronounced by the venerable divine who presides over Rutgers College, and which was delivered at the public com-

mencement held in New-Brunswick in July last. Speaking of the union that had been formed between that institution and its present medical faculty, he observes, "This connexion we cannot but consider as an event favourable to the general interests of science, and one which, for that reason, should by no means have subjected us to either obloquy or reproach. When the proposition was made to receive that distinguished institution under our care, we had no thought either of promoting or protracting any differences that might exist between it and its sister institution; nor did we think of any thing like disrespect or opposition to the constituted authorities of the state of New-York. Of either of these positions we are incapable. Our views were simple, easily defined, and based on the general interests of literature. We do believe, that the republic of letters throughout the world, and especially in these United States, is one: that literature as to its interests, and especially in this republic, will admit of no geographical limits: that our country, as such, has a literary character to form, and to sustain; and that, in this respect, we constitute but one great family.

"We knew, indeed, of differences between the medical institutions of our sister state, but had no reason to suppose that they would be continued for ever. We did believe, that the existence of two eminent schools in one city, like that of New-York, would attract youth from every part of the country, produce emulation in the instructors, lower the

terms of instruction, afford increased facilities of education to indigent genius, and be every way fraught with advantage to the state in general and to the highly favoured city in particular, in which they were located. If causes existed which might induce the Regents of the University, or the Legislature of the state of New-York, in any wise to suspend their accustomed liberality of views or policy in this case, as they were almost wholly unknown to us, they could hardly have been anticipated. Our acts were passed after as careful an inquiry as circumstances would permit; and in acting, as the result of that inquiry, if apprehension existed in the minds of any, it was entirely dismissed. We owe, perhaps, this explanation to ourselves, as well as others, and hope that all who are concerned in this matter will receive it with that frankness and simplicity with which it is given."

I must here be permitted to make a single remark, relative to the powers possessed by the Board of Regents. By an act of the Legislature of 1784, a body of men, under the name and title of Regents of the University of the state of New-York, were created and vested with the power of superintending the general interests of literature and science throughout the state: afterwards, in 1791, by an amendment, an additional power was granted to the same body, of instituting medical colleges and other seminaries of learning. I cannot but consider this authority, both in name and in fact, as (a remnant of our colonial government) altogether

inconsistent with the general character of our institutions. I leave it to gentlemen of another profession to say how far it is competent for the Legislature of the state entrusted with their interests by the people, the paramount authority, to transfer them to another tribunal. I shall confine myself to the practical operation of this act of delegation. It is not to be denied that, in many instances, the power of this body has been wisely and beneficially exercised; but I beg leave thus publicly to enter my protest against repeated acts of their authority and instances of improper and unjust interference. I allude, in an especial manner, to some recent orders in which this body of men have attempted to wrest from the late professors of the College of Physicians and Surgeons the fees accruing from their lectures, and to which they were entitled by a previous ordinance of the same Board; an act of arbitrary power, which the Legislature itself has never yet assumed, and which is equally contrary to the law of the land and the spirit of the constitution. Let me not be misunderstood. With many of the gentlemen composing that Board, I am in habits of private intercourse and friendship, and for them cherish personally the highest respect and regard. The evils of which I complain mainly arise from a defect in their system of organization. It is scarcely possible that a body of men, so convened, should be otherwise than under local influence; and the knowledge they possess in the affairs they affect to control, must be gained chiefly from

the interested who make a pilgrimage to the capitol with partial statements and selfish views. I cannot but regret that our late State Convention had not seen fit formally to abolish this Board with the Council of Appointment, as equally dangerous in principle, and only less pernicious in fact, because more limited in power; or, at least, that their functions should be restricted to the duties originally assigned them, that of exercising a general supervising power over the schools, academies, and colleges throughout the state, and as an organ of communication between those institutions and the Legislature; but possessing no control whatever over their internal government. In this opinion I am not alone, but confirmed in its correctness by the highest legal authorities of this state, who, after the most matured investigation, have decided "that any law authorising the creation of incorporations in a manner different from that prescribed in the constitution, is repugnant to its provisions, and that the act conferring that power on the Regents is, therefore, repugnant to the spirit of the constitution."

But to proceed. I believe it will be conceded by all who hear me, that it is the duty of the representatives of a state or country to legislate for the interest and happiness of the community they represent, and not for the benefit of the few: that it is their duty to frame laws, not directed to the local interests and views of a party, but for the general good—for the prosperity of the state. Assuming

this as a principle, does it not follow, that a departure from this paramount rule of conduct in any legislative assembly, implies not only inattention to the obligations of their duty, but a total disregard of the solemn engagements they enter into as members of such legislative body ?

What then can be said of the Legislature of this commonwealth, when we refer to the law passed so exclusively for the injury, and indeed the avowed destruction of an institution dedicated to the promotion of medical science; and, may it not be added without the charge of arrogance or vanity, devoted to the interests of humanity and the benefit of the community ? A law restricting all the benefits of a monopoly to the two schools of Barclay-street and Fairfield—the two state schools, as by a misnomer they have been emphatically denominated; for, Columbia, Union, and other colleges in this state, possess similar chartered powers of conferring the doctorate with those that are represented to be more immediately under the government of the Regents.

When too it is recollected, that this institution, possessing advantages in its construction which will bear a comparison with any other in this country, or even in Europe, has been erected at great expense—not by funds derived from the public purse, but from the pockets of the professors themselves, who have embarked the earnings of their professional labour in this enterprise, will it be believed that a legislative body could be found in any en-

lightened country, in any land where science, or virtue, or independence, is cherished, that could pass an act imposing the shackles contained in the offensive and degrading law to which I have referred? And moreover, will it be believed, that the great and magnanimous state of New-York, accustomed to regard with approbation and favour every scientific and literary design; accustomed, too, to be regarded as the great exemplar in the Union, not only for the protection but for the munificent patronage and endowments she has hitherto bestowed upon her colleges and scientific institutions; professing, too, to cherish learning, to expend her wealth in the establishment of common schools, and in promoting the education of her youth:—I ask, can it be believed, that she has passed an act for the express purpose of destroying an institution whose only aim and object are, to assist the youthful mind in its preparation for a profession that involves the most arduous and momentous duties of social life? That a law should be passed for the purpose of impairing the public confidence in men, some of whom have for thirty years past been public teachers of medicine in this city and state; men who have repeatedly received appointments from the hands of the Regents of the University and the unqualified approbation of that Board for their fidelity and ability; and moreover, who have been the instructors of most of the very gentlemen selected as their successors: is certainly an occur-

rence that must be ever memorable in the medical annals of this state.

It will not be credited, that the sovereign power of an enlightened land can be thus exercised ; for, it certainly will not be alleged, that we have arrived at that extent of improvement in knowledge, professional or otherwise, that calls for a legislative act to repress the aids and facilities which are employed to promote it. I again ask, is it possible that men, selected as the guardians of literature, the members of an enlightened Senate and Assembly, can so far forget their high prerogatives and duties as to pass an act calculated to retard the progress of the liberal arts and sciences, and to discourage the enterprise that cultivates them ?

Are we prepared for this degradation of our legislative authority, to see it employed, not in building up, but in razing to the earth an institution that has been erected to elevate the character of the state by the education of its youth ?

“ Can such things be—and not excite our special wonder ? ” I must be permitted to add, that while this law holds its place among the statutes of this commonwealth, I not only feel my professional character humbled and dishonoured, but blush to call New-York my native state.

As an eminent legal character and a disinterested friend of this College remarks, “ Although I have no professional interest in the concerns of the ‘ healing art,’ I cannot pretend to be wholly indifferent to the conduct of our worthy representatives at

Albany on the subject. Some of these gentlemen have arrived, it seems, at the alarming point of resolving to make war upon the new medical college recently established in this city. By what road of deduction they have been led to such a result, from what inconceivable premises their enlightened minds have passed to a conclusion apparently so absurd, is perhaps a question of more difficulty than importance. The reasons by which Mr. Foote has endeavoured, in his report, to vindicate their project, will scarcely afford an explanation of the problem.

“The government of this state has been long accustomed to regard every species of scientific or literary design with approbation and favour. It has been the proverbial boast of our local pride, that education, and all its tributary means, enjoy among us, not only toleration and protection, but a sure, generous, munificent patronage. And are we now prepared to see this honourable badge of state distinction flung away, and the power of our legislative authority employed, not to build up, but rather to pull down the walls of science? Is it possible that men, entrusted with the public character, can feel themselves at liberty to retard, in a single instance, the progress of the liberal arts, and breathe discouragement and blight upon the enterprise that cultivate them?

“The Rutgers College is not, I believe, accused of being any thing but what its name imports. It meddles not, like some other institutions that de-

pend on foreign auspices, with the grosser interests or passions of our citizens. It tempts no man's cupidity; it deceives no man's confidence; it entails no imaginable mischief upon the community. Its only aim is, to direct and assist the progress of youthful minds in their preparation for some of the most responsible and momentous offices of life. The influence it is calculated to exert, is good, without any mixture of evil. Where then lies the cause of offence? Why should any of the lights of useful learning be extinguished? Who will brave the ridicule of pretending that the helps and facilities of education are becoming so redundant as to call for a repressing hand? Is it fit, is it consistent with what is most respectable in the history of our legislation? Would it be worthy of a great and magnanimous state, or can it be said to comport with the enlightened civility of the age we live in, that the sovereign power of the land should be induced to unite in giving countenance to the private jealousy and mercenary hostility that has been excited against a harmless, a meritorious institution?"

Here we are led to ask, are the persons so engaged in teaching, and intended to be proscribed by the arm of the law, not qualified for the duties they have undertaken to perform?

The Regents of the University say otherwise, and that too after the most severe scrutiny. That very body (who have been induced to recommend to our lawgivers the passage of the act adverted to—the

act that has been approved by our Assembly, by our Senate, and not deemed unconstitutional or inexpedient by our Executive) has, upon various occasions, pronounced them competent and faithful in the performance of their duties as Professors in the University. What says the annual report, made by the Regents of the University to the Legislature in 1825? It is thus expressed: "In the College of Physicians and Surgeons in the city of New-York, the same number of professors still conduct the instruction afforded in that institution, that superintended its interests at the time the Regents made their last annual report. The learning and sedulous zeal with which the professors endeavour to inculcate the 'mysteries of the healing art,' has spread the fame of this seminary throughout the distant parts of our Union. And already there can be enumerated among the pupils, the votaries of science, collected not only from the most remote of our sister states, but foreigners, who have afforded this flattering preference to the reputation of an institution founded and encouraged by the liberality of the Legislature. There were one hundred and ninety-five students who matriculated during the last session, out of which number fifty have been recommended to the Regents, upon examination, as meriting the degrees of doctor of medicine, which were accordingly conferred."

A similar expression of the approbation of the Regents, and their testimony to the qualifications of the professors, was conveyed in the vote of

thanks which passed that Board upon receiving and accepting our resignation :

“Resolved, that the vote of thanks of the Regents be presented to the Professors, for the faithful and able manner in which they have filled their respective chairs as instructors and lecturers in the said College.”

The great number of students that resorted to the College of Physicians and Surgeons, during several years preceding the resignation of the professors, and that during the dissensions which existed between the professors and trustees, affords incontestable evidence of the fidelity and success with which their professorial duties had been discharged.

The great number of pupils, too, who composed the first medical class of Rutgers College during the last winter, a class collected after the 16th of October, the day when the connexion with Rutgers College was consummated at New-Brunswick, and the fact then for the first time publicly announced that we should possess the power of conferring degrees, also evinces the avidity with which the medical students rallied around their old teachers, and the confidence they placed in the practical lessons they had already received from them.

Among other arguments urged against the admission of a diploma from the state of New-Jersey to the privileges of that conferred in this state, as a license to practise medicine, is, that in New-Jer-

sey itself it is not received as a license. The fact is, that in that state no diploma from Edinburgh or Pennsylvania is a license to practise, for hitherto New-Jersey has had no medical school, and therefore it has not been thought necessary to provide a law in favour of other states. But the moment the Brunswick school formed a medical faculty, the State Medical Society of New-Jersey united with the trustees of Rutgers College, in soliciting from the Legislature a law constituting the medical diplomas of respectable colleges, including their own, to be a passport to practise, without subjecting the possessors to another examination. But the memorial was introduced at so advanced a period of the session, that the Legislature had not sufficient time to deliberate and act upon it; they otherwise would probably have passed such a law similar to the present law of this state, which allows the possessor of a diploma from whatever country or college obtained, whether at home or abroad, (with the exception of the act recently passed,) to enjoy all the privileges attached to the license, or to a diploma obtained in this city or state.

It was also urged by our opponents, that we are a self-created faculty, and under no control whatever; but that we confer degrees at our own free will and pleasure; intimating thereby, that we have no board of regents or of trustees to exercise such controlling power. It is true, we had not exhibited to them the nature or extent of the commissions we had received from the respectable body of trus-

tees presiding over the parent college in New-Jersey, or the statutes by which we as professors were to be governed. This allegation was scarcely to have been looked for from gentlemen who had themselves filled the station, and had exercised and abused the powers of trustees in the College of Physicians and Surgeons when most of the present faculty of Rutgers Medical College were professors in that institution. When, too, these facts are remembered which have been stated, admitted, and even promulgated by the Regents, and which remain to this day uncontradicted; that candidates for degrees, who had been unanimously rejected by the professors as unqualified, were admitted by those very trustees as competent and deserving the confidence of the community! Nay, further, that no instance had ever occurred in which such appeal has been made from the decision of the professors to the trustees, that the pupil has not been admitted! That from the foundation of the College to the day of our departure from it, not a single case had occurred where the professors had refused, upon examination, to recommend a candidate, that the trustees, notwithstanding such refusal, had not recommended him to the Regents for the highest honours of the medical profession, and the professors, in consequence of his admission by the Regents, compelled to annex their names to his diploma, at the same time that they conscientiously

believed and had pronounced him to be undeserving the honour and privileges thereby granted!!*

I ask, after the experience we had so recently suffered, and the degradation we had witnessed of the College of Physicians and Surgeons, by the effect of this little brief authority vested in such interested board of trustees, can the want of such controlling power as was in these cases exercised, be complained of as an objection to the organization of our school?

"Yes," says Col. Troup, the chairman of the committee appointed by the Regents to investigate this subject, "there was shown to your committee a particular instance, wherein a pupil who had been five years in the office of a professor, and had likewise regularly attended the public lectures, was deemed by the professors decidedly unqualified for a degree; and yet that very pupil was afterwards recommended by the board of trustees for a degree, and he obtained it"! Where, I ask, was the controlling power in this case?

"In the University," say our consistent opponents, "the state has provided sufficient guards against the abuse of graduation. Over Rutgers College it has no control"!

I again ask, where were the 'state guards' upon the occasions I have referred to, that permitted the unqualified to receive the honours of the profession,

* See Discourse, &c.

pronouncing them competent to all the duties attached to the practice of physic and surgery, when too they had been unanimously rejected by their teachers and professors? I ask, in the same tender language employed by the disinterested late President of the State Medical Society, who has not "yet been rewarded with the moveables of Hereford," as he certainly expected to have been for his support of the College of Physicians and Surgeons and his unceasing hostility to Rutgers College—how was "the power in this case exercised over the lives and fortunes of every individual in the community, who, by disease or accident, may be in a situation to claim the services of a skilful physician or surgeon?"

It could scarcely, for a moment, have been believed, that with all the influence exerted out of doors, the members of our Legislature could have been prevailed upon to pass the law proposed, and avowedly intended to operate exclusively to the injury of Rutgers College, as acknowledged and declared by a member of the State Medical Society, acting in the colossal capacity of regent of the University and member of the State Medical Society, and by Mr. Foote of Chatauque on the floor of the Assembly. A law so fatal to all enterprise and liberal exertion—a law so partial in its operation, which will admit all diplomas from abroad and at home, and from every other state in the Union, and refuse those from its nearest neighbour, New-Jersey!—a law, too, so immediately op-

posed to the pecuniary interests of this city and the reputation of the state, by driving away the pupils of medicine to other schools in other states.

Was it to have been believed, that the Legislature could have paid so ill a compliment to their own physicians, whom they well know, whom the Regents have approved for their talents, their success, and their fidelity, by making them aliens in their native city and state?—by, indeed, withdrawing from them the common privileges which they extend to the stranger whom they do not know?

That a body of men, habituated to the duties of instruction, asking no aid but the voluntary patronage of the student, should, by an act of legislation, be debarred from the exercise of their talents, in order to secure a monopoly to another institution, was little to be expected in a civilized age or country.

Science, like religion, should have no restraints imposed upon it; but the pupil seeking for knowledge, like him in search of religious truth, should be allowed, agreeably to the spirit and indeed the letter of our most excellent constitution, to enter that temple where he can best obtain the objects of his pursuit, and bend the knee to that Divinity whom his understanding voluntarily approves.—State colleges, like state churches, are altogether opposed to the liberal spirit that republicanism inculcates.

Fathers of the state—representatives of the people—legislators of a great, populous, and wealthy

community—professing yourselves to be the friends of literature—making appropriations for the promotion of science—from whom every thing that is great, magnanimous, and of universal (not partial) interest, might justly have been expected,—I ask, has the law which you have so recently passed, in compliance with the petition of the State Medical Society and of the Medical Society of the County of New-York, for the purpose of securing a monopoly to some of the colleges of this state and heaping disqualifications upon another, been framed under that strong sense of duty that attaches to the responsible station you hold, and which is rendered still more solemn by the sanctity of an oath? My respect for the Board of Regents of the University, the guardians of literature, prevents me from making a single comment upon the inconsistency which they also have manifested by at first approving of the conduct of the late professors of the College of Physicians and Surgeons, and acknowledging their services in raising that institution to the high rank it had attained by their exertions; and afterwards yielding to the importunities of the State Medical Society, by uniting with that body in a prayer to the Legislature to pass the law, calculated to impair the usefulness and to counteract the exertions of those very professors in the continuance of their endeavours still further to advance the interests of their profession.

With these truths upon our minds, and without intending to be disrespectful to the constituted au-

thorities of the state, may we not predict, that the day is not distant when a wise and liberal Legislature will remove those impediments to the progress of knowledge, throw open the temple of science, cherish a fair and honourable competition among its votaries, and banish from the statute book a law that would disgrace the days of the greatest barbarism and ignorance ?

When also, it is considered, that the whole advantages to be derived from such school, both in honour and profit, will be received by this city and state, it will be a still greater anomaly, that a wise Legislature should create laws to exclude such benefits.

We cherish institutions holding communication with other states where the profits are of a pecuniary nature ; but where knowledge, or the interests of humanity are to be promoted, we create barriers against their introduction. We are constructing canals, to bring the produce of Pennsylvania and New-Jersey to our borders, but we create obstructions to the progress of knowledge ! As my able and learned colleague has well observed, we may with equal propriety “ expect laws to be created to exclude the light of the sun.”

The constitution of our country protects every form of religious worship ; the spirit of the same constitution is no less favourable to the diffusion of knowledge, and permits us to worship in any temple of science that may be erected for that purpose : but, agreeably to the late law of the state of New-

York, we are permitted to have no other teachers in the art of healing, than those provided by the Regents of the University, whether tried or "un-tried," competent or incompetent, experienced or inexperienced, whether they are engaged in the practice of the profession or occupied in other pursuits !

If such law be permitted to retain its place in our statutes, the city of New-York, the London of the western hemisphere, may satisfy herself with remaining a market-place for wares and merchandise, and, sacrificing the advantages of her central position in the Union, and the facilities she derives from her intercourse with every part of the world, must be reduced to the degradation of sending to other states for the education of her youth destined to the science of medicine. Should this illiberal law, urged too in its passage by men claiming to be members of a liberal profession, be not repealed, may we not immediately expect retaliatory laws from every state in the Union ? The consequence will be, that those who go from New-York to settle elsewhere will, in many instances, be excluded as deficient in education, and the disgrace reflected upon our colleges, which, during the continuance of such monopoly, and without competition, will necessarily degenerate into institutions unworthy of the state that protects them. Competition alone, for money is not wanted for this purpose, will secure to the state an abundance of medical schools as in the great cities of Europe; talents will be rewarded,

and science be promoted, by such rivalry :— whereas, all the wealth in the coffers of the state will not convert a blockhead into a man of science, or furnish brains where they do not exist.

While the law was under discussion in the Legislature, another engine was brought into operation to secure the number of votes necessary to accomplish the purposes in view. To this end it was stated, that a violent attack had been made upon the Western Medical School, which was calculated to injure its reputation, and thereby to diminish its utility and interests. It was moreover represented that the professors in that institution had been personally referred to, and that thereby they had sustained great injury in their pecuniary interests and character.

By a recurrence to the last circular published by the Medical School of Fairfield, containing the number and names of the pupils composing their last class, amounting to 144, and stated by one of the professors to be made up of students not only from this state, but from Canada and various parts of the United States, from Maine to Georgia ; the same professor, too, pronouncing it the most flourishing school in the state ; or, in the language of the ex-president of the State Medical Society, “ the only green spot on which his recollections can rest with satisfaction,” we shall find, that certainly thus far they have sustained no loss.

This tale was most industriously propagated among the western members, and a spirit of hos-

tility excited that readily effected the purposes this clamour was intended to produce. Nor had they any difficulty in finding in the House of Assembly and in the Senate too, as will appear by reference to the minutes, members favourable to their views, in promoting the passage of the law that had been framed by the combined powers, the professors of the College of Physicians and Surgeons of the City of New-York, and of the Western District, the County and State Medical Society, and the Regents of the University !

What are the facts upon this subject ? It is well known that in my public discourses I have taken occasion, in my observations upon the medical schools of this state, to animadvert upon the system of education pursued, and the manner in which it was conducted; to call the attention of my hearers to the Western College of Physicians and Surgeons, and to point out what appeared to be errors in the original organization of that school that called for reformation from the hands of their patrons, the Regents of the University.

With the purest and most disinterested views to the improvement of the profession, and to the advancement of medical learning in the state of New-York, I objected to the system of education pursued in that institution, and reiterated the same opinions, as they had been fully and publicly expressed by the late Dr. Samuel Bard, and by my able colleague professor Macneven, as well as by myself, upon former occasions; and earnestly sug-

gested the necessity of a change in the plan of instruction, and in the mode of examining candidates for degrees; at the same time earnestly objecting to such degrees being conferred by the Regents under such limited system of education. But I verily disclaim having uttered a syllable to the disparagement of either of the professors of that seminary; for I solemnly aver, that I indulge not the least feeling of hostility to either of them, or to the establishment to which they are attached. On the contrary, as far as they were known to me, and one of them had been my private pupil, I had always entertained for them sentiments of respect. I therefore could not be supposed for a moment to have been influenced by the unworthy motives of personal hostility in the observations I had made.

Nevertheless, the most unfavourable construction was put upon my several publications; and, on account of certain statements and expressions contained in my last anniversary discourse, a libel suit has been commenced by one of the professors of that institution, and to my surprise, by my former private pupil, Dr. Theodric Romeyn Beck, who afterwards, in one of the public prints, stated, that other remarks of mine and other circumstances of a personal nature (than those which had been published in the discourse referred to) had induced him to commence and to persist in the prosecution! It afterwards appeared in the declaration which was then demanded on my part, and filed, by obtaining an order of the court for that purpose.

that a reference was had (instead of some private injury done him as intimated in his communication to the public) to a letter addressed to one of the Regents, in which I had more particularly pressed upon the attention of that Board the necessity of the reform I had referred to in the plan of education pursued in that western school. This very communication, instead of furnishing an additional ground for commencing the prosecution, should of itself have been sufficient to absolve me from the malevolent motives with which I had been charged, and to have prevented the measures taken by Dr. Beck, inasmuch as it showed still more manifestly, that my views had not been those of personal hostility towards him or his colleagues, but were directed to a reform in the system of instruction pursued in the Fairfield school; the defects of which were the exclusive object of my animadversions, and which were only to be corrected by the Board of Regents, to whose attention any remarks, that the professors have deemed offensive, had been more particularly addressed.

While I regret the errors into which the professors of the Western college, through a misapprehension of my views, have fallen, and the hasty and inconsiderate publication in which, in a moment of resentment and passion, they had precipitately united, and which they had not the magnanimity or candour to recall, even after the public disavowal on my part of personal hostility to them or either of them. I now still persist in claiming the rights I

have exercised, in pointing out the injurious consequences to the community, both of the limited system of education pursued in the Fairfield school and the manner in which it was conducted. Thus far, believing that every public institution is amenable to public criticism and responsible to public opinion, have I proceeded, but no further.

In the Discourse, which has proved, as I anticipated, unpalatable and unpopular in the western district of our state, and a source of great annoyance to the envious and the interested, I set out with the axiom, that a great medical school can only exist in a great and populous city; or, as my learned colleague expressed it, "that the solid basis of a medical education can only be laid amidst the hospitals and dispensaries, the countless accidents, the numberless distempers of the multitudinous city;" or, to use the language of the late venerable president of the College of Physicians and Surgeons, Dr. Bard, whose opinions, the result of patient observation and long experience, can never be heard but with profound respect, "a good medical education," says he, "although it may be commenced, can never be properly finished in the country"; adding, "that the practice of sending young men at least to finish their medical education at New-York, or other large cities, will do more in one season than many years spent in the country." He then concludes with the remark very much disregarded by the Regents of the University, "that it would be a less evil that those who will not

or cannot afford the expense of time and money to obtain those advantages, should turn their thoughts to some other profession, than that the health and lives of our fellow-citizens should be committed to the care of such as are confessedly unqualified for so delicate and important a task."

Having presented to my auditory these self-evident truths, I next proceeded, admitting the competency of the professors of the Western college, to point out the defects in the system of education and the manner of conducting it in that institution, arising out of the errors committed in its first organization, and the hurried and imperfect manner in which the professors are compelled to convey their instruction; and added, that complaints had actually been made against the Regents for conferring degrees upon pupils whose education had been thus limited. I next adverted to the rotation in which the lectures were necessarily delivered by the professors, some of whom reside at a distance from the place where the college is located, and one of them occupied in pursuits totally foreign from those of the medical profession, referring to Theod. R. Beck, the principal of a literary academy in Albany, who at the same time, I am informed, is now altogether out of the practice of the profession to which he had been educated, yet takes upon himself the responsible duties of instructing youth not only in the institutes but the practice of medicine at Fairfield, in the county of Herkimer, about 80 miles distant from his place of residence!!

It was next stated, that the different professors, five in number, thus situated, in rotation proceeded to Fairfield to deliver their courses of lectures, each devoting about a month to tuition in his particular branch; the whole combined amounting to a sixteen weeks course, as the professors themselves express it in their circular of 1822, and which is defended by professor Beck, and by one of his colleagues, as preferable to the four months' course upon each particular branch, as is the custom in the colleges in Philadelphia, Boston, Baltimore, Charleston, and New-York. I then observed, as a matter of surprise, that a degree should be conferred by the Regents of the University upon the student who shall be recommended by the professors as qualified to receive it, after passing two winters in attendance upon these courses of instruction! but who had never seen the inside of an hospital, nor have witnessed the surgical cases and accidents to be met with only in a great and populous city. Under the influence of what I deemed a just pride, with regard to the character of our country and the medical schools of our state in particular, and with the view of obtaining a reform from the proper authorities, I felt it my duty, in an historical discourse upon medical education, as conducted in the state of New-York, to communicate to the public such incongruities. This constitutes the supposed libel of which I have been considered guilty—this is the head and front of my offending. But I am happy to have it in my power

to declare, that to any of the professors in that college, either as it regards their private or their public character, I have upon no occasion whatever made the slightest allusion, and that I utterly disclaim, as already stated in a public communication on this subject, any unfriendly, much less malevolent intentions, either to the institution itself or to its professors: and with regard to the other defects in the western medical college, that also call for reform from the Regents of the University, either as it regards the order of teaching, or the manner of conducting the examination of their candidates for degrees, I have yet to learn that I have done injustice to that school, or misrepresented it—with two exceptions, that, instead of one professor lecturing at a time, as I represented it agreeably to information I had received from their pupils and indeed as stated in their own circular of 1822, they now, as observed by one of the professors, have, during the first weeks of their session, two at the same time!—and that, at the pupils' examination for degrees, another recent regulation made by the Regents, not known to me when my discourse was delivered, nor stated in their circulars, makes it necessary that three of the professors shall be present to ascertain the competency of the candidate; still thereby admitting that it is not indispensably required that all shall be present at such examination, which is the custom at every other college in Europe or in this country.

By these admissions of one of the professors themselves, it will readily be perceived, how far my animadversions have been essentially correct or otherwise.

“Forming an estimate of the feelings of others from my own, such public acknowledgments should have been considered satisfactory. But I proceeded still further, and have requested, through the medium of one of my counsel, to be furnished with the evidence of any other errors or misstatements I may have committed from misinformation, assuring the plaintiff that, without the least reference to the legal investigation now pending, but as due to my own honour and character, as well as to the party affected by such statements if erroneous, it would give me as much pleasure to correct and retract any error or misstatement I may have committed, and to make amends for any injury I may have done by such statements, as I had felt it a duty to expose those evils or defects which call for a reform. With this request, thus made, all compliance has been declined on the part of the plaintiff. This is all that an honourable mind can tender; more than this an honourable mind will not expect or exact. To the impartial jury, therefore, I cheerfully submit the subject of this ungrateful suit.”

Had the Western college been considered and denominated by the appropriate appellation of a Medical Academy, furnishing a systematic course of instruction, as preparatory to the more extensive practical courses delivered in the medical colleges

of a populous city, and a law passed that no diploma conferring the degree of the medical doctorate, shall be granted until the candidate, in addition to the instruction he may have received at the academy, shall also have attended one course of lectures delivered in the city, where the pupil shall have enjoyed the opportunities of attendance upon the numerous and varied diseases of an hospital. and of witnessing the surgical accidents and operations incident to such dense population, no possible objection could have been made to such initiatory system of instruction. On the contrary, we earnestly recommend as highly useful such preparatory plan of education : and further, as an evidence that these observations are not the dictate of jealousy or hostility toward a western school, it would afford us the highest gratification to see such medical institutions or academies multiplied in every county of the state, where competent men can be found qualified for the duties of instruction.

This would be calling things by their right names ; for what other appellation can be given than medical academies to all such institutions for medical instruction, that, in the retirement of a village, want the sources of practical knowledge, which is only to be obtained in the hospitals, alms-houses, and infirmaries of a great commercial city ? Here, and here alone, can the medical student witness the various characters of febrile and other acute diseases, and the treatment which they severally demand ; in the commercial metropolis are only to be

witnessed the numerous accidents that require the skill of the experienced surgeon ; in the hospitals of Philadelphia, of New-York, Boston, Baltimore, Charleston, &c. the student witnesses, in a single month, a greater variety of cases, both in medicine and surgery, than he will see in years in the inland town or the country village. If, therefore, medical instruction were left to regulate itself, unrestrained by the monopolies created by legislative acts, and these at times unconstitutional, at least contrary to the spirit of our constitution, the pupil would soon ascertain the best sources of medical education, and resort to the school for the completion of his studies where the best talents and the most ample means of information are supplied.

In that case he would pass a year or two in preparatory study at some village school, but would receive the last finish at the practical sources of knowledge, alone to be obtained in our commercial cities : he would not, without such means of practical knowledge, go forth to prescribe for a dangerous fever which he had never before seen, nor perhaps his instructor, who may be otherwise occupied than in the practice of physic ; nor would he venture to perform one of the more important operations in surgery, when perhaps he has not had the practical opportunity to distinguish the vein from an artery, or a nerve from a blood vessel ; nor indeed should he even receive the minor honour, the license to enter upon the practice of his profession. until he exhibits the evidence that he has

obtained the advantages referred to; much less should the regents of our university, or the trustees of colleges, continue to confer the doctorate, the highest professional honour, upon youth thus deficient. But the day is fast approaching when such facilities, in obtaining degrees, will be no longer tolerated, but be done away by the repeal of all the present legislative acts relating to medical education, and the profession placed upon the same footing with that of law or divinity, allowing the various colleges, that may be formed, to regulate themselves, unrestrained by the monopolies created by the caprice, the political intrigues, or the party spirit, which at present control, and, in many instances, exercise an undue influence over the members of a legislative body.

Competition, with its attendant benefits, would then, as in all other pursuits, be unrestrained, science promoted, and its practical application to the relief and removal of the numerous ills that flesh is heir to, be the happy result.

I hope, gentlemen, I have not exhausted your patience, or drawn too largely on the kind attention you have given me. If I have exceeded the usual limits—if my details have in any wise wearied you, an apology must be found in the nature and importance of the subject, and the principles I have discussed. When we have received an injury, it is natural we should complain; and feeling ourselves aggrieved at a tribunal from which we had a right to expect justice, I have not feared to exhibit a full

and candid exposition of the obstacles we have encountered and of the present condition of this institution. But to hasten to a conclusion.

While the graduate of Rutgers College, according to the law recently passed disqualifying its medical diploma as a license to practise in this state, enjoys the full benefit of that testimonial of his learning and abilities in almost every other part of the Union, in the state of New-York, where he received his education, and of which perhaps he is a native, he must obtain a license from a county or from the state medical society before he can be admitted to practise! In other words, a license derived from a county society is now, by the state of New-York, virtually declared to be superior to the doctorate! and an examination by men who have enjoyed for years, not only the highest honours and the highest station in the profession which the Regents of the University could bestow, is now made of no avail, and the graduate who has passed that ordeal, is compelled to submit to another examination, by men, too, not one of whom, in all probability, has received a degree, who are not in the habit of teaching, and consequently are less qualified either as examiners or as judges of medical attainments!!

But, gentlemen, I am happy to inform you, that although the Legislature may pass enactments for the benefit of particular institutions, and to the injury of others, they cannot prevent the pupil in this land of liberty from receiving instruction where his preference lies; nor is the professor in Rutgers

College prevented from imparting it to those who may wish to receive it. Many pupils, too, we have the satisfaction to know, had resolved, under the conviction of the advantages they had hitherto received under this roof, to adhere to their former instructors for the completion of their education; and knowing that they would be thereby prepared to meet any other impartial tribunal, either in this state or elsewhere, they had, resolved to return to Rutgers College, where they had received the elements of their professional instruction. But happily we have not been compelled thus to test their attachment. The peculiar situation of this school—the oppression that has been exercised by its envious rivals—the restraints that have been imposed—the intrigues that have been resorted to—and the persevering efforts of a few who have the capacity to do mischief, but from their native malignity of temper and character, will never be known as the instruments of good to their fellow-men, or to the profession of which they are nominal members,—have all occasioned Rutgers College to be regarded by this community with no common interest and feeling. I am proud to add, and to tender to you my congratulations upon the event, that the liberal and enlightened trustees of Geneva College in this state, perceiving the embarrassments that were created by the recent law, constituting the climax of the persecution we have endured, have kindly extended to us their protection; and, by adopting us as the medical faculty of that institution, have

enabled us to renew our professional labours in such manner as not to infringe, but to conform both to the permanent statutes of the state and to the terms and conditions recently enacted by the Legislature; while we trust that our labours will continue to be zealously directed to the benefit of the science we profess, and to the instruction of the youth who are desirous to acquire its precepts under our tuition and direction.

It is no less gratifying for me to observe, that the trustees of Rutgers College, actuated by the same liberal feelings which have prompted the trustees of Geneva College, and without the least disposition to transgress the geographical limits or territorial boundaries that the state of New-York has thought proper to prescribe, cheerfully acquiesce in the measures that have been pursued on our part, in soliciting the new connexion we have consummated.

To conclude, the former professors of the old college, in conjunction with their able coadjutors, again present themselves to you as teachers of medicine. While the opposition and trials they have recently gone through, have augmented their zeal to discharge that duty which, according to Lord Bacon, every man owes to his profession, their experience, it is hoped, enables them to do justice to their vocation. Notwithstanding the unceasing efforts to destroy us, we continue the same united body—we still aim at the same great design, the cultivation and extension of sound and safe medical

knowledge. We have, indeed, changed the authority under which we act, but in the change we have only assumed a position which, as it regards this state, is rendered more eligible and more commanding. We continue to worship in the same temple, and to render our humble offerings at the same shrine.

As we have shown throughout, by an independent course of conduct, that we are not distrustful of our own resources, so are we willing to abide the result of an honourable competition.

“*Palmam, qui meruit, ferat.*”

APPENDIX.

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Pursuant to a public notice, a large and respectable meeting of the Medical Profession of the city of New-York, was held at Washington-Hall on Friday evening, February 23d, 1827, when Dr. JOHN STEARNS was called to the chair, and Dr. F. G. KING, appointed secretary.

THE meeting being called to order, Dr. J. Pendleton briefly stated the objects for which the meeting was convened, and moved that a Committee be appointed to draft and report to this meeting certain resolutions expressive of their sentiments. Whereupon, Drs. Pendleton, Osborn, and McClean were appointed on that committee, and withdrew to agree on a Report.

During the absence of the Committee, a Memorial to the Legislature, expressing disapprobation of the act recommended by the State Medical Society, was read and signed by the practitioners present.

The Committee then having agreed upon a Report, returned previous to the offering of it to the meeting.

Dr. Osborn, of the Committee, stated, that as a delegate of the county to the State Medical Society, he had endeavoured to resist this obnoxious measure, stating the obvious bearing of the question, and its ill effects, but in vain—as a Regent of

the University, and also a Member of the State Medical Society, openly admitted that it did and was intended to expressly bear upon Rutgers College.

Dr. Pendleton, as Chairman of the Committee, presented the following

REPORT.

The State Medical Society, at their last session, having recommended to the Legislature the passage of an act, whereby the diploma granted by Rutgers Medical College cannot be admitted as a license to practise physic and surgery in this state; disapproving as we do, in the most unqualified manner, of the passage of such an act, we are compelled thus publicly to state our reasons.

The Professors who fill the chair in Rutgers Medical College, with one exception, have been long residents of our city, and they all of them enjoy the confidence of their fellow-citizens in the practice of their profession. They are the same gentlemen formerly selected by the Regents of the University of our State, to discharge the important trust of Public Teachers; and the Regents have borne testimony to the fidelity with which that trust was executed, in the vote of thanks which passed at the time, when the resignation of the Professors was tendered.

We look with no little anxiety on the passage of this law, as we entertain a well grounded apprehension of its injurious effects upon the profession at large; it will remove from those who teach the greatest stimulus to a faithful discharge of their duties, relying as they will for success, rather upon legislative privileges, than upon superiority of talent and industry. It is in medicine as in every other science, its interests are best promoted, and the public most advantageously served, where a liberal competition prevails. To the student of medicine, it is an important privilege to be permitted to seek for information where it can be most beneficially procured. Trusting, therefore in the wisdom of those who preside over the interests of this great state, that they will not by the exercise of their con-

stitutional power, deprive the medical profession of the benefits of a free and open competition among its public teachers, by granting a monopoly which, of all others, must be the most odious—a monopoly in teaching.

Resolved, That as the sense of this meeting, the profession is fully protected against the intrusion of improper practitioners, by the present law of the state, which requires that every practitioner from a foreign state shall enroll his diploma in the office of the clerk of the county, and produce certificates of having studied medicine and surgery according to the laws of this state, before he can become a legal practitioner himself.

Resolved, That this meeting highly disapprove of the act recommended by the State Medical Society, as calculated to operate injuriously upon the profession, and pray that the Legislature may reject the same.

JOHN STEARNS, *Chairman*.

F. G. KING, *Secretary*.

The foregoing Resolutions and Preamble were, on motion, separately acted upon and unanimously adopted.

On motion, *Resolved*, That they be signed by the Chairman and Secretary and published in the daily prints.

On motion, *Resolved*, That a copy of the same be sent to the City Delegation, at Albany.

JOHN STEARNS, *Chairman*

F. G. KING, *Secretary*.

At a Meeting of the Students of Rutgers Medical College in the city of New-York, held on the 23d instant, it was unanimously resolved, that a committee be appointed to draft certain resolutions, expressive of the surprise of the medical class of said institution at a petition which has recently been presented to the Legislature of New-York, by the State Medical Society; and that Messrs. Lucas, Bedford, and Ellit constitute such committees.

Resolved, That we deem it, in all respects, unbecoming the character of American citizens, and friends to the advancement of knowledge, to attempt to employ legislative power for the purpose of oppressing a scientific institution, which owes its establishment to individual enterprise, is conducted with great ability, and promises so much good to the medical profession, and to the community at large.

Resolved, That we regret exceedingly that so unworthy a suggestion should have emanated from a body of men, who ought to be cultivators of medical science, ever ready to encourage literary enterprise, and who, on all occasions, should be active in opposing any measures which are calculated to obstruct the free dissemination of knowledge.

Resolved, That we conceive it as an intrusion upon our rights as citizens of these United States, to be deprived of the liberty of choosing teachers, most capable of giving us all necessary instruction, and of imparting the fruits of their experience and observation.

Resolved, That it is in perfect accordance with the principles of our Constitution, that *talent* should be subjected to no other obstacles than those which result from a fair and honourable competition.

HENRY PERKINS, *Chairman.*

ADRIAN A. KISSAM, *Secretary.*

Page 312.

First Annual Report of Rutgers Medical College. To the Honourable the Regents of the University in the State of New-York :

GENTLEMEN,

As the act relative to the University, section 3, "authorises the Regents to visit and inspect all the colleges, academies, and schools which are or may be established in this state," it may be presumed to be an implied duty on the part of such scientific and literary institutions, to report themselves to your honourable body. On this account, as well as from a consideration of the connexion which long subsisted between the greater number of the undersigned and the Regents of the University, we beg leave respectfully to acquaint you with the establishment and progress of the Rutgers Medical College in the city of New-York.

On the circumstances which led to the foundation of this institution we deem it unnecessary now to expatiate. Suffice it to say, that a persuasion on our part, that we might be able, from the long experience we have had in the respective branches of our profession, and the confidence which a generous public has hitherto reposed in us, to embody our efforts to the benefit of medical science, has been a leading inducement in this enterprise. We have, at our sole expense, erected an edifice, which in its adaptation to the purposes of medical instruction, is not surpassed by any within our knowledge, and which in its external appearance will be regarded as an ornament to the city.

The commencement and progress of the school have been highly auspicious, as the accompanying catalogue of students will sufficiently demonstrate. The classes are composed of young men of great respectability, and to their exemplary de-

portment we can cheerfully bear testimony. This first meeting has been honoured by the attendance of one hundred and fifty three gentlemen ; of which number one hundred and thirty are medical students, twelve doctors in medicine, and eleven members of the High School, attending the chemical lectures only.

It will afford us at all times a gratification to exhibit this institution to a committee of your body, in conformity to the laws, or as individuals. As we cannot permit ourselves to doubt that the personal efforts and responsible advances caused by the erection of this college, as well as the sanction under which we act, will be considered by enlightened citizens as creditable to the free institutions of our country and the spirit of our government, we make this communication with frankness to your honourable body, desiring for our labours such an approval only as is due to unabated diligence and well directed efforts in the promotion of sound and useful science. All which is respectfully submitted.

(Signed)

DAVID HOSACK, M. D.

Professor of the Institutes and Practice of Physic and Clinical Medicine.

WILLIAM J. MACNEVEN, M. D.

Professor of Therapeutics and Materia Medica.

VALENTINE MOTT, M. D.

Professor of Surgery.

JOHN W. FRANCIS, M. D.

Professor of Obstetrics and Forensic Medicine.

JOHN D. GODMAN, M. D.

Professor of Anatomy and Physiology.

JOHN GRISCOM, LL. D.

Professor of Chemistry.

New York, Feb. 9, 1827.

FURTHER DOCUMENTS.

THE ensuing documents are annexed for the purpose of more fully setting forth the several grounds upon which repeated applications have been made to the Honourable the Legislature of the state New-York, for an independent act of incorporation of Rutgers Medical College Faculty, under the title of Manhattan College. These documents might be increased by others of a like nature, containing principles equally cogent and legitimate. Of the result of the application made to the legislature during the session commencing in January 1829, I need scarcely remark. The able and enlightened support which the bill received from the senate, who, by a large majority, gave it their sanction, is an event in the annals of legislation fruitful in grateful anticipations, and must add to the poignancy of the regret experienced upon the failure of the bill in the assembly. In the senate the petition of the faculty was most ably sustained, and out of twenty-eight members, received I believe the votes of twenty-three. Among the most prominent friends of the bill who sustained its value, urged its necessity, and recommended its passage by the soundest arguments, were the Hon. Stephen Allen, Gen. Bogardus, Mr. Maynard, Mr. Livingston and Mr. Veile. The interesting report on the subject was drawn up by the last named gentleman.—It deserves to be further stated, that it was admitted on the floor of the house that the powers derived by the Rutgers Faculty from Geneva College and held by them were, in all the immunities granted to

graduates of the school, equal in efficacy to the degrees conferred by any other institutions in the state. On this point all doubt had already been removed by the judicial opinion of the highest legal authorities.*

It deserves further to be stated, that the right of incorporating colleges, which has been so long exercised by the regents of the university, seems to be more judiciously determined by the Revised Statutes to belong to the legislature, and the passage of the act for the incorporation of Manhattan College was in part sustained by this view of the powers which have heretofore been assumed solely by the regents. This measure therefore of the senate may be cited as an act equally commanding our attention both from its novelty and its importance, and as one to which the future advocates of liberal and unshackled competition may refer to with satisfaction. Without in any wise censuring the motives and actions of the regents, it need only be observed, that the narrow policy of restriction and monopoly is, in the opinion of the enlightened, the most hazardous of all expedients for the cultivation and diffusion of Science. In the fair field of diligence and enterprise the Rutgers Faculty fear no competition. The institution has hitherto flourished; and when released from the fetters which an injudicious and unjust interference has imposed, we cannot doubt that it will rival in numbers and importance any similar establishment in our country, as it at present fears no comparison on all the great requisites—the abilities and fidelity of its professors, and the various facilities it affords to its pupils.

* Thomas Addis Emmet, Josiah O. Hoffman, and John C. Spencer, Esqrs.

TO THE HONOURABLE THE
LEGISLATURE OF THE STATE OF NEW-YORK

IN SENATE AND ASSEMBLY CONVENED ;

THE PETITION OF

*David Hosack, William James Macneven, Valentine Mott, John
W. Francis, and John Griscom,*

HUMBLY SHEWETH,

THAT the before named individuals, having united together for the purpose of teaching the principles of medicine by public lectures, did, in the year 1826, cause to be erected in the city of New-York a building expressly adapted for such use, at their own private cost, and upon which they have, up to the present time, expended the sum of twenty-five thousand dollars.

That as it is essential, in consequence of the tenor of our laws, to the existence of an institution of this kind, that it should have the power of conferring the degree of Doctor of Medicine, and as the Legislature of New-York was not then in session, and would not be until long after the period for obtaining a class would have passed, a connection was formed between the undersigned and Rutgers College.

Under this arrangement the first course of lectures was delivered by the undersigned to a class of one hundred and thirty students, chiefly citizens of New-York, and also before various individuals, members of the medical profession, all of whom have borne testimony to the faithfulness with which the duties of the undersigned were performed, and the excellence of the accommodations offered for the use of those engaged in medical studies.

In consequence of the act passed by the Legislature in 1827, against the degrees granted by Rutgers College, to individuals recommended for such degrees by the undersigned, the same reasons which caused them to seek a connexion with Rutgers College induced them to apply for protection to a respectable College within this state. *Geneva College* acceded to the request,

and they fondly hoped that they should now be left to take such standing as might be impartially awarded to their deserts.

Notwithstanding the doubt and difficulties caused by persons interested to oppose their efforts, the class of medical students attending during the session of 1827-8, was one hundred and twenty-eight, principally citizens of New-York. There is a still increased number the present term, amounting to one hundred and thirty-seven.

The undersigned have seen with unfeigned regret, that, in the revised laws, the Legislature passed an act apparently designed to deprive them of the privilege of labouring for the public good at their own expense, and with no other means of success than their most strenuous exertions to render themselves useful and acceptable to the public. Convinced that your honourable body feel highly interested in the diffusion of sound and useful knowledge, and satisfied of your willingness to render justice and protect the rights of the humblest citizen, they venture to call your attention to a few circumstances having immediate bearing upon their ease.

The principles of the government under which they have the blessing to live, are such as to secure to every citizen the privilege of exercising his talents and industry in any honourable and useful calling so long as he neither directly or indirectly interferes with the rights of others. Experience has clearly proved that the exercise of this invaluable privilege has universally tended to elevate the character, and augment the resources of the country which protects it.

The medical profession derives its excellence from the united labours and experience of all those who are devoted to its cultivation. Those who are most experienced and most learned, have it most in their power to benefit students. If the right of teaching be exclusively given to a few, either by direct enactment, or by throwing disqualifications upon others; if those who have expended their best days, and a considerable portion of their earnings in search of professional knowledge, are

to be excluded by law from competition and emulation, from aspiring to the honours and rewards in the free gift of the profession, whence is the improvement and advancement of the profession to be expected?

The instances occurring recently in neighbouring states, are immediately in point. When the Jefferson College in Philadelphia petitioned for a charter, the University of Pennsylvania and its friends were exceedingly alarmed, and set forth various manifestos, showing, by very plausible arguments, that it would be highly dangerous to the profession, and injurious to the general public, to grant the request of the petitioners. But this charter was granted, and the two schools have since flourished in the same city, without the least injurious collision—the places of emulation, emolument, and honour, were doubled to men of talent, and the interests of the citizens, the University and the students of medicine, have been extensively and obviously benefited. The University of Pennsylvania immediately increased her accommodations—appointed additional and able teachers without adding to the expenses of the students, and in every particular augmented the energy of her administration.

The classes have annually increased since the establishment of the second school—the new College has been respectably attended also, and none of the evils so much deprecated in theory have ever occurred.

Nearly the same remarks are applicable to what has taken place in Maryland. A new College has been established in Baltimore, where the flourishing University of Maryland is situated. But this has not led to special or oppressive enactments. The University of Maryland is proud to rely on her own merits for support—and the new College exhibits an equal willingness to rise or fall on the same ground.

Competition or emulation between scientific institutions tends more to the immediate promotion of the public good, than rivalry between institutions of any other character. Its immediate influence is to render all those engaged more industrious

in seeking after knowledge, and more zealous to make it acceptable to others. Every improvement on one side leads to a desire to equal or excel on the other, and the results of these mutual efforts are at once rendered productively useful to the public.

The sources of wealth to teachers of medicine, and under the government of these states—the *only legitimate claim* to public favour and preference, are the superiority of talent they are able to display, and the paramount advantages they are able to offer to such as require medical education. No better proof of the certainty with which such a claim receives its due return is required, than in the case of the University of Pennsylvania. In that state there are no laws regulating the practice of medicine—the University confers a degree, which is merely an honour that involves no privilege at home or abroad. Yet solely on her high and well maintained reputation—exclusively on the individual merits of her respective professors—she collects annually a large tribute of wealth from all the states in the union—but, still better, she sheds over the vast region of our country an increasing halo of glory, by the multitudes of accomplished pupils she annually sends forth.

They might now venture to state that experience has already shown, that *two* schools in the city of New-York are both useful and necessary. A similar spirit of emulation to that manifested elsewhere has been already exhibited—efforts to excel are made on each side, and medical students, having it in their power to compare teachers of the same branches with each other, learn how to appreciate the best, and where to look for the greatest advantages. The utmost harmony has prevailed between professors and students, the classes have exhibited their satisfaction at the increase of opportunities, and the profession have expressed their approbation of the results of the competition. The aggregate number of medical students collected in the city of New-York, is greater this time than on any former session.

Your honourable body has heretofore been addressed by those

who have stated that but one or two schools of medicine were required in this state. This view, entirely erroneous, derives its origin from narrow and selfish policy; as if a medical school of proper celebrity was expected to derive its support from a single state. But the schools of London, Paris, Edinburgh, Berlin, and Philadelphia, are centres of afflux to all the rest of the civilized world: and in proportion to the degree of talent and excellence displayed will be the honour and remuneration, though there were five hundred instead of two schools.—The sole motive of those who oppose the free exercise of talent, and who ask for exclusive privilege, is to prevent the lessening of *profits* by the decline in price which must result from competition. But who is it that is to fear such reduction? Certainly not those who feel persuaded that the attractions they have to offer will, by the increase of numbers, compensate for the reduction of individual fees. Is it the representatives of a republican people who are to grant monopolies, as if the diffusion of useful knowledge would be too general? Is it in America that the public authorities shall say, that the exertions of A, B, C, or D, shall be forbidden, in order that E, F, and G, may have larger fees, and be saved from the labour of competition with scientific rivals? Is it in New-York, where the death-blow was given to one of the most plausible monopolies that ever existed, that the light of science is to be restricted to *two* institutions?—Reduced to its actual condition, such is the state of this case. Almost all medical institutions (except those of New-York, at present) depend for their success upon the merits of the teachers belonging to them. If this state passes laws for the purpose of withholding others from teaching, the effect is to deprive students, those interested, from seeking to act for their own greatest good, by choosing the institution in which they may be best served, and is conferring a monopoly as unjust and as hateful, as it would be for this state to declare where we should purchase our goods—where we should send our children to school—what church we should go to, or any other evil of similar character.

What is it that the undersigned ask of your honourable body ? It is to be freed from oppression ; it is to be allowed the exercise of their talents to serve the public, if that public be willing to employ them. They ask most respectfully for themselves what is the unalienable right of all, and of which they have not the least wish to prevent all others from being possessed.

They solicit your honourable body to give them a charter which will place them in a condition in which they cannot have success unless they have merit.

Finally, they most respectfully entreat your honourable body to regard this their petition with a single view to the public good.—As the law intends no more than that the public shall be protected from injury, they solicit the Legislature, in its wisdom, to make *qualification* the sole test of the fitness to practise,—instead of the question, to what individuals or in what institutions candidates have paid their fees.

Your petitioners beg leave to be distinctly understood as asking no money from the Legislature, and no exclusive privilege, but simply requesting your honourable body to constitute them, their associates and successors, a body corporate, by the name of *Manhattan College*, with power of conferring degrees of equal validity with those of any other Medical College in the state, or elsewhere, of filling vacancies, making their own by-laws, of holding real and personal estate to the value of one hundred thousand dollars, and of making such other regulations as may be found requisite for the ends of their association.

And your petitioners, as in duty bound, will ever pray.

DAVID HOSACK, M. D.
WILLIAM J. MACNEVEN, M. D.
VALENTINE MOTT, M. D.
JOHN W. FRANCIS, M. D.
JOHN GRISCOM, LL. D.

NEW-YORK. Jan. 8, 1829.

TO THE HONOURABLE THE
LEGISLATURE OF THE STATE OF NEW-YORK.

IN SENATE AND ASSEMBLY CONVENED.

YOUR Petitioners, Students of Medicine and Surgery in the Rutgers Medical Faculty, Geneva College, beg leave most respectfully to represent : That having assembled from various parts of the union, at considerable expense, for the purpose of availing themselves of the many facilities which the city of New-York presents for the acquisition of medical education, they feel themselves amply remunerated for the sacrifice by the advancement they are enabled to make, in that most useful and important science to which they intend to devote the labours of their lives. They beg leave to lay before your Honourable Body, the reasons which induce them to unite in the application for an independent charter by the professors, with that modesty which becomes their years, and that diffidence which is appropriate to their inexperience. The confidence of their fellow-citizens in the abilities of the professors, is manifested in their wide and responsible practice. Theirs is not the knowledge acquired from books alone, and which are equally open to all ; but theirs is the living science acquired at the bed-side of the sick. All are in the manhood of life, both in body and in mind. No one labours under the imbecility of youth, or the infirmity of years. All are administering to their fellow-citizens the fruits of their ample experience, desirous only that they may instruct the rising youth of the country in those lessons of wisdom and knowledge which it has cost them the labours of their lives to acquire.

Moreover, these gentlemen are happily known to our countrymen at large by their skill in their profession, and by other undeniable evidences. When under your more immediate di-

rection, your good sense and sagacity appreciated their merits and saw the institution flourishing in their hands: but since that period, they have added to their number a gentleman from Europe, whose attainments in his department bid fair to exceed all that has before been done among us. For more than fourteen years resident among the splendid hospitals of Dublin, London, Edinburgh, and Paris, he has been in possession of all the advantages which Europe can furnish to the anatomist, and has fully availed himself of them. But it is due to that gentleman to state, that nature has largely endowed him with her choicest gifts, and that his eloquent lips enable him to impart to his auditors his rich and ample stores of knowledge. He has left the land of his fathers to promote and to extend the sciences among us; and if the Institution is permitted to act with the approbation of the state authorities, the noble science of anatomy, and the kindred branches of medicine, will be enabled to take deep and lasting root among us.

It deserves to be noted in favour of this application to your Honourable Body, that the professors of this College, when connected with another institution which they raised from the most humble beginnings to a commanding eminence of usefulness, never prostituted the honours of the profession on the unworthy. A diploma under their hands was not merely a title to practice, but a passport to the highest stations in the army and navy of our country. We have indubitable authority for the fact, that no graduate from the New-York Medical School, while they were its teachers, was ever found incompetent when put to the trial.

Numerous and important are the facilities of medical education in the city of New-York. Its noble Hospital, in which are exhibited almost every disease which is described in the able lectures of the teacher of the practice of physic, and in which have been performed most of the great operations in surgery by the eminent professor of that branch; its numerous infirmaries for the alleviation of pain and the correction of de-

formity, are among the charities which ennoble this metropolis, and render it the best theatre of medical science. All these charities have, at times, received the countenance and bounty of the public ; and shall their application to the advancement of the profession, the only remuneration which the public can receive, except the gratification of the benevolent feelings, be refused to an institution which must ever refer to the cases there exhibited for the illustration of the lessons of its teachers ? The conveniences and accommodations of the edifice in which the lectures are delivered, are acknowledged by all to be greater than those of any medical college in the country. Its contiguity to the New-York Hospital, marks the good sense and judgment of its founders. Thrice has it been honoured by a visitation from the members of your Honourable Body, representatives of the City of New-York, and an unanimous opinion been pronounced in its favour. The numerous libraries of this capital are, besides, accessible on the most moderate compensation. Its open intercourse with every part of the globe, enables it to receive the latest intelligence in science and literature, and confers on it advantages which no other city in the union enjoys. Nor is it a circumstance to be omitted, that we are here enabled to see the accumulation of wealth, the varieties of manner and customs which this particular coloured metropolis exhibits of every nation and country on the earth.

Satisfied that the public opinion coincides with their own, and recommended to the faculty of this school by those whose means of judging are ample, and whose minds are uncommitted and impartial, they wish only to declare, that they have not been disappointed in the high character of the institution, and beg permission to make known their wish that its means of usefulness may be continued, both to them and their successors. But ever since their connection with the institution, various rumours of the invalidity of the diplomas granted by its faculty, have operated on their fears, and have deterred many from

enjoying its privileges whose unbiassed judgment would have determined in its favour. As guardians of the public weal, they look up to you for a remedy for these evils, and request that they may be permitted to prefer that course of instruction and those instructors who exhibit the strongest titles to their confidence.

So far, we trust, we have proved ourselves not unworthy of the advantages we enjoy. No instance of indecorum or impropriety has yet occurred within our walls. We are only anxious that when we shall have completed our studies and return to our homes, the diplomas which we have received as the evidence of our laborious exertion, may not be discredited by those to whom our fathers have consigned the welfare of the state. We too, in our turn, expect to take charge of the lives and health of our fellow-beings. Do not, we beseech you, nip these prospects in the bud. The hard earnings of our parents have been deeply taxed to enable us thus far to prosecute our studies. Do not attempt to lessen in our esteem those bright examples in the profession whom it shall be the pride of our after lives successfully to emulate. Many of you, as representatives of the state, come from parts of the country where the unskilful and uneducated reap no inconsiderable rewards; some of you may have suffered from your mistaken confidence in their capacity. Give us, who at least have done all we could to entitle ourselves to public favour, an equal chance with them, and we do not fear that the act of your Honourable Body, which shall grant a charter to the distinguished teachers who have submitted their pretensions to your wisdom, will be hailed by your constituents as the evidence of your sagacious discernment of their interests, and your watchful guardianship of their welfare. We are about to enter on the career of active life. Under Providence, we trust that at the great day of account we shall be enabled to say, that in return for the bounties of his goodness, we exercised the humble measure of our talents in protecting the lives of our fellow-

mortals from the infirmities of their nature, alleviated the bed of sickness and sorrow; and by the best services we could render to helpless and afflicted humanity, approved ourselves acceptable in his sight.

ROBERT W. WELLS, Hunterdon, New-Jersey, *Chairman*.

ROBERT S. GIBBS, St. Johns, Florida, *Secretary*.

Signed also by one hundred and thirteen of the students attending the classes of their respective professors at that time.

New-York, Jan. 10. 1829.

TO THE HONOURABLE
THE REGENTS OF THE UNIVERSITY
OF THE STATE OF NEW-YORK.*

YOUR Memorialists respectfully represent, that as guardians of the public education of the state, they approach your Honourable Body with that respect which is due to a tribunal invested with such high and important interests. Believing that those interests will be promoted by the application they now make, they hasten to lay before your Honourable Body the considerations which have influenced them, and which they submit, with all due deference, to your enlightened judgments.

Devoted for many years to the duties of instruction, they are desirous that the talents they possess may be exercised for the benefit of the community. The success of their la-

* This memorial was presented at a meeting of the Regents held in the senate chamber Albany, in March 1829, and after being read by the Secretary, to the Board, on motion of Mr. Young, the memorialists had leave to withdraw this memorial. This was the only measure adopted in the case by those impartial patrons of general science, the Hon. the Regents.

bours and their efforts in raising a small and inconsiderable medical school into rivalship with the oldest university in the union, and to triumphant superiority over every other until internal dissensions compelled them to resign their trust, are known to your Honourable Body. It is not intended to excite the angry feelings in which they originated, and which, they trust, are now extinguished for ever. Suffice it to say, that believing they could not do justice to themselves under the control exercised over them by the Trustees, they surrendered their trusts into the hands of your Honourable Body, and united themselves with a most respectable literary institution in our sister state of New-Jersey. At that time, neither your Honourable Body nor the Legislative Councils of the state were in session, nor were they to be convened until after the time when the lectures in the College were to commence. Finding that this measure did not meet the sanction of the authorities of the state, they were subsequently constituted the Medical Faculty of Geneva College. But satisfied that under an independent Charter they could act with more convenience and utility, they now present their claims before your Honourable Body, confident that you will see in their proposition a design to add to the literary and scientific character of the state, and a willingness to be controlled by such regulations as may be in harmony with its general system of public instruction.

'They have erected, at a great expense, a large and commodious edifice in a central and commanding part of the city, and adjacent to the public hospital. Students from every part of the union repair to their institution ; and it is with emotions of satisfaction they have ascertained, that for the three last terms, during which their establishment has existed, a considerably greater number of Medical Students have assembled in the city than were ever before collected together in that place. Indeed, they cannot doubt that there is room for two institutions, and that a friendly emulation would contribute to the

interest of each. This is the case with our sister cities of Philadelphia and Baltimore, where two Medical schools in each city flourish, with great advantage to the profession, and with adequate remuneration to the teachers. The population of New-York is more than twice that of Baltimore, and is much superior to that of Philadelphia. In London and Paris, the great schools for medicine and surgery are the hospitals, and in each city its teachers of medicine are probably more than a hundred.

They trust they need no more than allude to the importance and utility of the medical art. This noble profession, which, to its successful prosecution requires the incessant exertion of the highest faculties of the mind, has been too long suffered to linger in neglect; and while the Legislative Councils of the state have been studiously attentive to provide the means of instruction to every class of citizens, the study of medicine, which requires numerous facilities and expensive apparatus, has been left comparatively unpatronized and unprotected. During our revolutionary struggle, it was said by one* whose means of judging and whose ability to decide were equally acknowledged, that more lives had been lost by the ignorance of the medical staff, than by the sword of the enemy. How many lives have been since lost, we have no means of ascertaining; but all must admit, that one of the highest and most benign duties of legislation consists in protecting the lives of our citizens. Of a people so intelligent and so liberal in every public enterprise, we trust it never will be said, that they were prodigal of their blood and treasure to protect their liberties from violation, and in infancy and unused to arms, measured their swords with giants in strength and veterans in arms, that they surpassed all other nations in the magnitude of their donations to educate their children, and were even jealous to a fault of the guardianship of those to whom the wisdom of their

* Dr. Rush.

legislation consigned even for a transient period, a portion of their power ; but by a fatuity and folly which the meanest of nations have avoided, and which almost counteracted their wisdom in the cabinet and their valour in the field, they committed their health and lives to any whose ignorant presumption ventured on the task. But we do not think so meanly of our countrymen. Their attention need only be directed to this object to procure the proper remedy. And we trust that your Honourable Body, charged by the law of the land with this high trust, will not turn a deaf ear to an application which we venture to predict will furnish a corrective to the evil. We ask not a cent from the public treasury ; but believing that the emoluments from the students and the benign effects of our instruction will prove an adequate reward, we solicit that we may be permitted to exercise our abilities under the public sanction and authority. Already we have been at no small expense of time and labour and finance ; we ask that it may not be in vain, and that the student who shall prefer the system and course of instruction which we offer, may not have the doors of instruction debarred from his access.

To you who are conversant with the numerous advantages for the prosecution of Anatomy in the hospitals of Paris and London, it will not be deemed extraordinary that on the vacancy in Rutgers Medical College, occasioned by the resignation of Dr. Godman, the eyes of the other professors were directed to some member of the profession whose good fortune it had been to enjoy them in his education. Than Dr. Bushe, no surgeon in London had directed his studies with a more distinct view to anatomical improvement ; and his high reputation is proof both of the opportunities he enjoyed, and of the vigour and success of his application. It is no exaggerated praise to assert, that anatomy is now first taught in this country as it ought to be—not merely descriptive, but pathological and physiological. The recent improvements in this extensive science, amounting almost to a revolution in its foundations, are now

first developed to the studious youth of this metropolis. Hereafter, we trust, that Americans enjoying the advantages of Europe, will become no less eminent in anatomy than in other branches of knowledge.

In 1784, your Honourable Body originated; and by an act of the Legislature of 1789, and by other subsequent acts, your jurisdiction was greatly extended, and your supervising power is now felt in every part of the state. The enlarged and liberal donations of the Legislature are honourable to our people, who will doubtless reap the advantages of this munificence in the education of their children. But in the present instance, your Honourable Body is not called upon to make any claim upon the funds of the state, but to grant to a body of men the license of your approbation, whom your Honourable Body selected from among the most eminent of the profession, and whose competency has the sanction of your testimony in its favour.

Although the undersigned have raised this institution by their own individual expense and efforts, they would willingly submit to the visitorial power of your Honourable Body, in common with the other literary corporations of the state.

DAVID HOSACK, M.D.

Professor of the Institutes and Practice of Physic
and Clinical Medicine.

WILLIAM J. MACNEVEN, M.D.

Professor of Therapeutics and Materia Medica.

VALENTINE MOTT, M.D.

Professor of Surgery.

JOHN W. FRANCIS, M.D.

Professor of Obstetrics and Forensic Medicine.

I fully concur in the foregoing statement,

JOHN GRISCOM, LL. D.

Professor of Chemistry.

New-York, Jan. 1829.

Memorial of upwards of one hundred Physicians and Surgeons of the City of New-York, praying for the incorporation of Manhattan College.

TO THE HONOURABLE THE LEGISLATURE OF THE STATE OF NEW-YORK, IN SENATE AND ASSEMBLY CONVENED.

IT IS RESPECTFULLY REPRESENTED :

That the undersigned Physicians and Surgeons, highly approving of the erection of at least a second College for teaching Medicine and Surgery in New-York, as a measure that would greatly redound to the increase of exertion and the desire of excelling among teachers, and the reduction of expense to students, do respectfully, but most earnestly recommend to your Honourable Body to grant the prayer of the petition for chartering Manhattan College, with like powers and privileges as are in any wise granted or appertaining to any other Medical College in this state. And your petitioners will ever pray.

New-York, February 2d, 1828.

These various representations in behalf of the establishment of another Medical School in the city of New-York, were not without their proper effects in the legislative councils of the State, and a distinguished member of the Senate, the Hon. Mr. VEILE, made the following Report thereon.

IN SENATE, MARCH 25, 1829.

Report of the Committee on Literature, relative to the Incorporation of the Manhattan College.

The committee on literature, to which was referred the several petitions of the Rutgers' medical faculty, and of the students

of medicine and surgery attending their instruction, in the city of New-York, praying that the professors composing that faculty, and their associates, may be incorporated by the name of Manhattan College, with the power of conferring the literary degrees usual to medical science :

REPORT :

That in their opinion, it would seem, upon the first view of the subject, there could be no doubt of the propriety of granting the prayer of the petition. To encourage the dissemination of useful knowledge, by aiding in the erection and organization of every kind of school for public instruction, has long been engrafted on the policy of the state. The facilities derived to these objects from an act of incorporation, have uniformly been granted to all who sought them, and in many honorable instances, while the pecuniary resources of the state permitted, liberal endowments have been made for the support of literary and scientific institutions. The wisdom and correctness of this policy, it is presumed, will not be questioned, though errors may sometimes have been committed in adapting the means to the end proposed.

The committee, however, are aware, that in respect to the present application, a difference of opinion exists, not in relation to the general purposes and views of the applicants, the advancement of science, and particularly those branches more intimately connected with the study and practice of the healing art, but in relation to the question, whether those purposes and views will be promoted by adopting the mode which is desired ? To this question the committee have given serious attention ; and as it is considered of great importance, they deem it proper to submit their views of it to the Senate, somewhat more at large.

The opinion has been entertained, and by men, too, whose character and information entitle them to some deference, that for the purpose of procuring higher attainment and more diver-

sified qualification in the different branches of science, the business of teaching should be confined to a limited number, and to this end it has been deemed sound policy not only to confine the patronage of government to particular institutions, but to throw disqualifications and embarrassment upon the exertions of others, perhaps of equal or superior merit and skill, and thus producing, in effect, a sort of monopoly of learning. This opinion has been more especially applied to the school of medicine in the city of New-York. With respect to the pecuniary aid which it may be in the power and becomes the duty of government to bestow upon the literary institutions under its control, when its means are limited, there can be no doubt of the correctness of that policy which appropriates those means in such manner as to make them effectual to the object, instead of distributing them so generally that they become valueless in a too extensive diffusion.

But it may well be questioned whether it is sound policy, and more especially whether it is consistent with the true principles of our government, to throw either upon the business of teaching, or upon the acquirement of knowledge, any other shackles or disqualifications than such necessary regulations as are calculated to impose equal study and duties upon those who seek the attainment and require equal proficiency, from those who aspire to the privileges and rewards of science.

It should be borne in mind, that a monopoly of learning or knowledge cannot be created by legislative enactment. The fostering care with which the arm of power confers and sustains exclusive privileges in science, neither stimulates the exertions, increases the capacity, or elevates the views or character of those who may enjoy them. A monopoly of the business of teaching may indeed be effected; but should it even be conceded that this would produce higher attainments in literature in the few, it can never effect a more general diffusion of knowledge throughout the public mind, or be productive of so much general benefit. The latter should be the great object of legis-

lative interference, though a constantly increasing elevation of the standard of that knowledge ought also to be regarded with interest. The most obvious effect of this monopoly is to quench the spirit of emulation, which, existing among scientific men, as well as between scientific institutions, is productive of vast benefits to the public at large. The immediate influence of that spirit "is to render all those engaged more industrious in seeking after knowledge, and more zealous to make it acceptable to others. Every improvement on one side leads to a desire to equal or excel on the other, and the results of these mutual efforts are at once rendered productively useful to the public," by a wider, extended, and more general diffusion of their benefits.

Besides, this general diffusion of scientific knowledge has another, and perhaps no less important effect. It sends back to its own sources, beneficial and material aids, to further development and still higher advances. It excites, while it furnishes greater means of gratifying, a desire for still deeper research, and a far wider range in the truths of science. Its operations is like that of the reflections of light and heat commingling with their own causes, and rendering the one more glaring, and the other more intense.

These views are strongly corroborated by the history of learning and useful knowledge, in every nation and period of the world. It was by the aid of such causes that our own country, in her advancement in science and every useful improvement, has been enabled, in the short period of fifty years, to accomplish the work of centuries in the old world.

And if these views be correct, can it be pretended that a monopoly of the business of instruction, which excludes the aid of such important auxiliaries, and tends to extinguish the very life spring of scientific improvement, is to be productive of higher attainment in all or any of the branches of science, even among those who enjoy the advantages of monopoly itself?

With respect to the necessity or expediency of permitting an additional medical school in the city of New-York, as distinct from the views already expressed, the committee would refer to the example of some of our sister states ; in the principle cities of which, additional schools have been established by law, notwithstanding the previous existence of public schools, highly distinguished for learning and usefulness. The medical school in Philadelphia, under control of the University of Pennsylvania, had long been advantageously known to the world of science ; her teachers had gathered honor to the American name, and their pupils had borne the evidence of their learning and capacity for instruction to every part of our country, yet did the legislature of that state authorize one of its western colleges to establish an additional medical faculty in Philadelphia. The wisdom of the policy has been sufficiently proved by the result and usefulness of the experiment.

And it can scarcely be doubted, that the greater population of New-York, and her enlarged means of drawing support to a literary institution of this character, from all parts of the Union as well as the West India islands, will justify a similar procedure.

The character of the applicants is too well known to need commendation or remark. Every friend to medical science must regret the necessity, if such necessity exists, that their talents and acquirements for instruction should be lost to society. The committee are not aware of any such necessity arising either from justice or policy. With a zeal and public spirit that have been condemned by some, but which the committee think commendable ; and influenced, undoubtedly, by an anxiety to reap the just reward of long study and labour, by the exercise of their talents in a useful and honourable avocation, they have, at their own great private expense, erected and fitted up a building with superior accommodations and apparatus for instruction. That instruction has been pursued for three terms, under various auspices, with credit to them.

selves, and as there is reason to believe, with great advantage to those who have attended upon it during that period.

The measure prayed for by the petitioners, is highly approved by a large body of the most distinguished and efficient physicians and surgeons in the city of New-York ; and as the committee entertain the opinion that it will tend to promote the interest of a science deeply and intimately connected with the comfort and happiness of society, they have instructed their chairman to introduce a bill in accordance with the prayer of the petition. It is proper, however, to state, that one of the members of the committee has not concurred in the views expressed in this report.

J. L. VIELE, Ch'n.

I have already alluded to the generous support which the bill for incorporating the Rutgers Medical Faculty received from the honourable the Senate. Nothing but the lateness of the session defeated it in the lower house. It came before them on the last day of their proceedings, and a constitutional majority of members to pass acts of incorporation was not present when the final passage of the law was called up. But while these circumstances are calculated to encourage the friends of science, that in this happy country exclusive privileges and monopolies are not the principles of legislation ; and that in these enlightened times, free education is cherished and sustained without restrictions by the real patrons of knowledge ; nevertheless, opposition did manifest itself on the part of several members of the assembly. These unfortunately adopted the views of the Regents of the University of limiting the number of places of education, in order the more effectively to sustain an odious monopoly, which though feeble and of acknowledged inferiority, had received large gratuities from the state, and had expended these bounties in fruitless efforts

at competition. That such was the fact is apparent ; and that the motives of opposition were suggested by the Regents themselves, presumed to be the impartial advocates and supporters of science. Hence they expressed in their last annual report to the Legislature their decided disapprobation of the project for erecting in New-York an additional school of medicine. These selfish and contracted views on account of the high source whence they proceeded, were not without their baneful effects.

The Rutgers medical faculty thus defeated, first, by what have been denominated *revised statutes* ; and next by the loss of their act of incorporation in the Legislature, continued their existence as a medical faculty of Geneva College in this state. It was thought by their professors that although by a selfish project New-Jersey was converted into a foreign country, and treated with less ceremony than if it were really so ; that as the idea that knowledge was of no particular country ; and that we were united states, were views which the contracted policy of certain individuals of the Legislature could not comprehend, nevertheless it was yet to be demonstrated that a similar course of policy would be pursued against an incorporated institution of *our own* state, and that Geneva College, whose chartered rights embraced a system of university instruction, would become the object of legislative anathema, and its medical faculty be abrogated by statutory provision. The Rutgers faculty having become regularly constituted by the board of Trustees of Geneva College, an integrant part of that institution, it of necessity became possessed of all the rights of other incorporated colleges in the state. That this is not an individual ipse dixit, or advanced without the sanction of the highest legal authority, I shall here insert the opinion of eminent counsellors which had been given on the subject after the fullest inquiry and investigation.

NEW-YORK, Nov. 3, 1827.

“ We have deliberately examined the charter of Geneva College and the act relating to the different colleges in this state, and have no hesitation in saying, that diplomas granted by Geneva College to those who shall study medicine with Rutgers Medical Faculty of that college, are good, effectual, and valid to every purpose for which a medical degree is legally requisite, and equally so as that of any medical college in this state.”

THOMAS ADDIS EMMET,
JOSIAH OGDEN HOFFMAN.

The opinions of Chancellor Kent and the Hon. Mr. Spencer, one of the revisors of the laws, and a Trustee of Geneva College, are also in concurrence with that expressed by Mr. Hoffman and the late Mr. Emmet. I here give at length the opinion of Chancellor Kent.

“ I have perused the opinion given on the 3d instant by Mr. Emmet and Mr. Hoffman, in which they say, ‘ that Diplomas granted by Geneva College, to those who should study medicine in Rutgers Medical Faculty of that College, are good, effectual, and valid to every purpose for which a medical degree is legally requisite, and equally so as that of any Medical College in the state.’

“ I entirely concur with those gentlemen in that opinion, and I will add as explanatory of my own, that Geneva College consists of a Faculty of Physic, as well as of a Faculty of Arts, and they have provided for conferring the Degree of Doctor of Medicine in that college. Such an ordinance existed in Columbia College as early as 1794, and as Geneva College has been incorporated by the Regents of the University, it is entitled to the rights and privileges enjoyed by Columbia College under the statute of the 13th April, 1787, ch. 33. By that act the Charter of Columbia College granted

before the American war was confirmed, and by that Charter the Governors (now Trustees) of the College, were authorized to grant any degree usually granted by any University or College in England.

"I have no doubt, therefore, that the Trustees of Geneva College are competent to confer Medical Degrees upon students in the medical branch of that college, and that such degrees will be as valid and effectual, and confer as much right and privileges as Medical Degrees conferred by any other college. I am further of the opinion that such Medical Diplomas conferring the Degree of Doctor of Medicine, if granted according to the directions of the Act of April 13th, 1819, ch. 237, sect. 2d. will confer upon the possessor, all the medical rights and privileges, which such a degree would confer if granted by any Medical College, Society, or Institution in this state. It appears to me that this is the true and reasonable construction of the various statute provisions which have been passed upon the subject, when they are compared together, and it is a conclusion which the cause of science, and the honour and credit due to the established literary institutions of our state equally dictate."

JAMES KENT.

NEW-YORK, Nov. 8, 1827.

The real cause however of the system of persecution waged against the Rutgers Medical Faculty, whether as connected with the state of New-Jersey, or as a Faculty of Geneva College in the state of New-York, or as an independent institution under chartered rights, as the Manhattan College, is to be found in the dread lest by an honourable rivalry with the College of Physicians and Surgeons, this latter institution should find itself unable to compete with men who were already accustomed to the duties of teaching, and who by their talents would

be able to erect a school which would successfully subvert their own.

Before I conclude these cursory remarks, I shall take some notice of the communication from the Regents of the University, transmitting the annual report of the college of Physicians and Surgeons to the Legislature. This document was presented to the Senate and Assembly on the 25th of March 1829. The Regents earnestly call the attention of the Legislature to the situation of the Barclay-street College, and the report of the college presses that institution before the house for further pecuniary support. Inasmuch as the several misrepresentations of these documents will be clearly understood by the reader who examines the remonstrance which the Rutgers faculty made on this occasion, I shall venture to insert their exposé here. Nothing but the most unblushing effrontery and the dread of entire prostration could have hardened the opposition to deeds of such perversity.

IN SENATE, APRIL 4, 1829.

To the Honourable the Legislature of the State of New-York, in Senate and Assembly convened.

Remonstrance against the communication from the Regents of the University, transmitting the annual report of the College of Physicians and Surgeons in the city of New-York :

The undersigned, though exceedingly reluctant to obtrude themselves upon the time and attention of the legislature, yet having been brought before its view already, in the report of the College of Physicians and Surgeons of the city of New-York, communicated by the Regents on the 25th of March, inst., in a way intended to prejudice the application of the undersigned for a charter, now pending before your honourable body, and to do them other injury, most humbly solicit of your justice to investigate the accusation preferred, that it may not affect them in your good opinion, if they shall be innocent,

nor avail their enemies against them, when it is proved to be groundless.

It is alleged in the aforesaid report, that the edifice erected by the undersigned, for teaching medical and physical science, was built by funds derived from the College of Physicians and Surgeons. Here an assertion is made : we join issue with the reporters on its truth, and challenge them to the proof. This is the only way that the truth or falsehood of the charge can be established. They further allege, as professors we received nearly the whole advantage of the pecuniary aid heretofore given by the state to the said college. Let them produce the accounts ; the Regents have them all under the seal of the corporation, and if the reporters advance nothing incorrectly, they will have an easy triumph.

In the mean time, we beg leave to direct your attention to the report of the committee consisting of Lieut. Governor Tallmadge, Mr. Van Rensselaer and Mr. Marcy, appointed by the Regents to visit the College of Physicians and Surgeons in the city of New-York, and which report is dated October the 15th, 1825, and recorded in the journals of your Honourable Body. This committee investigated the concerns of the college, and the conduct of the professors and trustees, during several days, very much at large. It called upon the adversaries of the professors to bring forward their charges and proofs ; but when thus pressed, those persons, and they are partly still the same who cast the recent calumnious aspersions, declined being accusers, and confessed they had no complaints to prefer ; and further, the said committee of the Regents declare, they are happy to find there was no suggestion or pretence of any misapplication or abuse of the funds and finances of the institution, on the part of the professors : vide p. 11 and 12 of the Report, under the head finances.

When the undersigned resolved to apply to the legislature for a charter, they were not unaware that their claim would be opposed by their neighbour in Barclay-street ; but they did

little expect the extravagant imputation of their having carried off the funds of the College of Physicians and Surgeons, to build therewith the College in Duane-street; and still less that it would find a sort of indirect countenance from any one who had access to the financial reports made so frequently to the Board of Regents. As well might we say that our lawyers were maintained at the public expense, because the court-houses in which they conducted their business, were erected out of the monies of the people.

But it seems that the want of success complained of by the great medical institution of this state, is to be attributed to the fact that another medical college exists in the city. So it undoubtedly is, and so it is very likely to continue.—Formerly there were three medical colleges in the city, and that one was seen to triumph in which there was most talent and learning. Thus it ever will be where free competition is allowed; mediocrity will be distanced in the race. And is it for the public good or advancement of science that trammels be put upon the speedy, in order to secure the rewards of swiftness to the slow? The same professors who succeeded heretofore, still keep the tenor of their accustomed lead; but their rivals ask, and we deeply regret that the Regents should favour the demand; our rivals ask that our college be oppressed in order that theirs may succeed. Only give us money, say they, and the exclusive right of qualifying physicians, and our benches will be filled. We say, grant us but a charter, and we will build up the great medical institution of the state without costing the state one cent. Our proofs have been given for nearly twenty years.

We ask no money, no monopoly, no patronage; we are content to rely for reputation on our talents and science, and for reward upon our services. We do not desire to shut up any other college, in order that students may have no school but ours to frequent. We do not seek to infringe their liberty for our profit, nor drag them by compulsion where they would not

go of choice. For the honour of our state, for the honour of science, for the age of light in which we live, let it not go forth to the world, that in New-York was found a body so powerful and so injudicious, as to influence the legislature against a thriving healthy institution of science, for the sake of forcing into existence a favourite institution, that exhibited no commanding vigour of its own. If, as some contend, one medical institution only should be fostered, is not that one to be preferred which has already encompassed itself with public confidence and fame, rather than this other, which clings to the befitting stay of feebleness, *monopoly*? Which is more properly the great medical institution of the state, the one that towers above the forest, or that which dwindles in its shade? It was the answer of Napoleon to a similar application in favour of a monopoly and peculiar privileges in science, that he would preserve at least the republic of letters.

Your remonstrants humbly intreat that your Honourable Body will take the premises into consideration, and grant such redress in the same, as to your wisdom shall seem meet.

DAVID HOSACK, M.D.

*Professor of the Institutes and Practice of Physic
and Clinical Medicine.*

WILLIAM J. MACNEVEN, M.D.

Professor of Therapeutics and Materia Medica.

VALENTINE MOTT, M.D.

Professor of Surgery.

JOHN W. FRANCIS, M.D.

Professor of Obstetrics and Forensic Medicine.

NEW-YORK, *March 31, 1829.*

It is a fact no less gratifying to the pride of my colleagues, than honourable to the feelings which the profession at large cherished for the zeal and abilities directed in their behalf, that in the number of students as well as in that of the graduates of the Rutgers Medical College during the four successive years of their instruction, they surpassed those of the state Medical

School notwithstanding its immunities and extraordinary privileges. Persecuted by medical laws, revised statutes, and enactments of county medical societies, the youth and graduates of the Rutgers school still honoured their Alma Mater, and manifested their satisfaction with the courses of instruction offered, although aware of the difficulties thrown in their way in the subsequent exercise of the practice of the profession.

An application for a writ of *quo warranto* was the next measure adopted by our opponents. Upon this writ it was decided by the Supreme Court of the state, in August term 1830, contrary to the high legal opinions already set forth, that the Charter rights of Geneva College did not authorize them to establish a medical faculty without the limits of their location. In consequence of this decision, the dissolution of the Rutgers Medical Faculty took place, whereupon the following address was published.*

* I extract with pleasure these spirited observations of a Kentucky editor on the dissolution of the Rutgers Faculty. The writer is unknown to me. Others of a like character might be given from different papers in the Union.

"The United States cannot boast of men more eminent in medical erudition, and more distinguished for successful efforts to spread the light of the science of healing, than these gifted individuals. It reflects deep disgrace on the legislative wisdom of New-York, that such a foul monopoly, such a persecuting censorship of knowledge, should be erected in that populous city. Pennsylvania manifested more magnanimity. She chartered a new medical institution in the city of Philadelphia, several years ago, although the old school was, beyond all competition in the United States, elevated in public opinion. Fair and honourable emulation is the soul of intellectual, as well as mercantile and mechanical efforts.—Monopoly is the fosterer of mental indolence, the parent of antiquated error, and the subverter of the spirit of our institutions. It has been well said, that 'the worst avarice is that of sense,' so the worst monopoly is that of knowledge. Such a monopoly raises a barrier to the free exercise of intellectual gifts, weighs down the pinions of genius in its flights of honourable fame, quenches the spark of hope which glows in the bosom of the young aspirant after distinction, and makes opinion tread on the long beaten and deeply worn path of philosophical error."

*Circular Address of the Medical Faculty of Geneva College,
New-York.*

CITY OF NEW-YORK, NOVEMBER 1, 1830.

The undersigned, late Professors in the Rutgers Medical Faculty of Geneva College, New-York, in answer to numerous inquiries, both epistolary and verbal, announce, that they have resolved to suspend, for the present, the exercise of their collegiate duties as professors in the different departments of medical science. Unwilling to contravene the laws of the state, or the decisions of its courts, which have recently declared that Geneva College does not possess the power of establishing a Medical Faculty in the city of New-York, they address themselves to the unbiassed and uninfluenced opinions of their countrymen. Most of their board have, for more than twenty years, others for a longer period, devoted their time and talents to the improvement of youth in the noble and important science of medicine ; they trust with uniform and unequivocal approbation ; with necessary and consequent improvement of the profession, and benefit to the cause of humanity. A medical institution had been reared by their hands from the humblest beginning into successful rivalry with the oldest and most prosperous university in the country ; but when by years of vigorous diligence, and well-directed exertions, their situation excited the cupidity of those to whom, unfortunately, its government was confided, they relinquished their situations after the highest authorities in the state had not only acquitted them of all censure, but had passed a distinct vote of approbation in their favour.

On abandoning their seats, they founded and erected on their own individual responsibility, a New College ; desirous of continuing their efforts in a cause in which they had been so successful ; and from this institution they have for several years past sent forth numerous well-educated youth, who had repaired

hither from different and remote sections of the Union. Let it suffice, that more than two thousand pupils have been educated under their care and direction during their entire collegiate labours. But the authorities of the state, which, whether right or wrong, they are bound to obey, having seen proper to deny their protection, in order to sustain a monopoly, and to prevent by legislative enactment, that competition so necessary to the free development of talent, they now withdraw from the task of official and public instruction; wishing to those who come after them all the success they may merit, unimpeded by those envious arts which may interfere with their usefulness. To all who have honoured their exertions with their patronage or approbation, they make their most grateful acknowledgments for the generous countenance they have received. To those ingenuous youth, wherever situated, who have done them the honour to attend to their instruction, (many of them now among the most distinguished in the profession,) they wish every success, and they hope that ere long an opportunity may present by which they may be enabled, under legal sanction, to exhibit to the public renewed claims to their confidence and approbation.

DAVID HOSACK, M.D.

President of the Medical Faculty, and Professor of the Institutes
and Practice of Physic and Clinical Medicine.

VALENTINE MOTT, M.D.

Professor of Surgery.

JOHN W. FRANCIS, M.D.

Professor of Obstetrics and Forensic Medicine.

I have thus endeavoured to arrange the occurrences which for many years past have marked the progress of medical affairs in this state and city. I am not confident that many at the present time will take special interest in the history. But the materials here preserved will not be lost to those who shall at a future day enter into a more severe and minute examina-

tion of the rights and privileges of chartered institutions, and the laws of New-York regulating the practice of physic and surgery. That some of these details will prove valuable to the future members of the profession, there can be no doubt. The profession in London have long ago acknowledged their obligations to the labours of Gideon Harvey, by his publication of the "Conclave of Physicians," and the impartial record of our own trials will in like manner be occasionally looked into by the friends of sound learning and professional honour.